

HAVE PATRON LEAVE ID AND
SIGN FOR THIS VOLUME

DOCUMENTS DEPT.
SAN FRANCISCO
PUBLIC LIBRARY

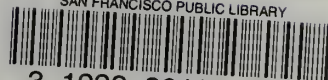
5 CLOSED
STACKS

GOVERNMENT INFORMATION CENTER
SAN FRANCISCO PUBLIC LIBRARY

MAY 27 1978

DOCUMENTS DEPARTMENT

SAN FRANCISCO PUBLIC LIBRARY



3 1223 90186 3028

7-68
C.2

ANNUAL REPORT

1967-68

APR 23 1969

SAN FRANCISCO
PUBLIC LIBRARY

JOHN JAY FERDON

DISTRICT ATTORNEY

CITY AND COUNTY



OF SAN FRANCISCO

*352.9
Sq5304a
1967-68
to
1971-72

ANNUAL REPORT TO MAYOR

Submitted by

JOHN JAY FERDON, DISTRICT ATTORNEY

July 1, 1967 - June 30, 1968

CONTENTS

COMPLAINT DIVISION	1
SUPERIOR COURT DIVISION	12
BUSINESS INVESTIGATION SECTION	14
GRAND JURY	17
BUREAU OF INVESTIGATION	18
PSYCHOPATHIC DIVISION	20
AID TO FAMILIES WITH DEPENDENT CHILDREN INVESTIGATION DIVISION	25
BUREAU OF FAMILY RELATIONS	29
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION	32

COMPLAINT DIVISION

"No warrant" felony arrests are those arrests made by the police when they witness the commission of a felony or have reasonable cause to believe that a felony has been committed.

To assure just disposition of these cases, the Assistant District Attorneys who review them before the filing of a complaint must possess a thorough knowledge of the current Federal and State criminal law. The Appellate Courts continually review and reinterpret the laws of arrest, search and seizure, search warrants, confessions and admissions, criminal identification and other fields of the criminal law.

The law imposes strict time limitations. All arrests must be handled with dispatch and with full regard for the rights of the public and the arrested person. The Complaint Division, having first contact with all cases, is responsible for initiating prosecutions.

In this fiscal year the Complaint Division handled 14,760 "no warrant" felony cases involving 10,764 defendants. This was an increase of 4,129 (almost 38%) over the 10,631 cases of the previous fiscal year.

After additional police investigation and examination by a lawyer of this division, it was found that 51% of these

matters were not legally sufficient for prosecution. These were discharged. Reduction to misdemeanor prosecution occurred in 15% of these arrests. They were not of sufficient legal or factual stature to be prosecuted as felonies. This left the remaining one-third of the arrests for felony prosecution.

The following statistics disclose the type of offenses considered and the result of the hearings held to determine what complaint, if any, should be filed:

SUSPICIONS 1967-1968				
	<u>TOTAL</u>	<u>REBOOKED</u>	<u>DISCHARGED</u>	<u>REDUCED</u>
Narcotic Offenses	4,154	1,551	2,137	466
Burglary	1,599	739	507	353
Robbery	1,064	411	595	58
Stolen Autos	1,120	442	539	139
Check Offenses	571	290	205	76
Theft	3,101	560	2,158	383
Assaults	1,745	445	710	590
Murder	44	34	10	-
Gun Law Offenses	349	57	167	125
Sex Offenses	201	77	96	28
Conspiracy	488	40	413	35
Driving Offenses	83	28	31	24
Gambling	36	33	3	-
Other Offenses	205	63	103	39
TOTAL	14,760	4,770	7,674	2,316

Felony Cases in Court

All "no warrant" felony arrests which have passed legal scrutiny next appear on the calendar of the Municipal Court, along with arrests made upon warrant of a magistrate.

During the reported fiscal year, six courts were conducting preliminary hearings, requiring adequate factual and legal preparation of each case. One Municipal Court, Department #13, is assigned exclusively to the hearing of felony cases.

In this category, due to improved methods of review by this office, the number of cases only increased to 6,301 from 6,293 for the previous year, involving 5,286 defendants. This total included felony arrests on warrant.

Sometimes after preliminary hearing, additional factors appear which cause the reevaluation of a case. This year's felony hearings resulted in a reduction to misdemeanor of 21% and the outright dismissal of 25%; felony cases held for trial in Superior Court amounted to 44%; the remaining 10% are pending or disposed of by guilty pleas or other procedures.

A considerable number of the dismissals in Municipal Court were due to the individuals involved being indicted by the County Grand Jury before the preliminary hearing was held.

The following table reveals the type of offense involved and the dispositions made:

FELONY CASES IN COURT 1967-1968

	<u>Total</u>	<u>Held</u>	<u>Dis-</u> <u>missed</u>	<u>Re-</u> <u>duced</u>	<u>Pend-</u> <u>ing</u>	<u>Glty</u> <u>Plea</u>	<u>To</u> <u>Juv.</u> <u>Ct.</u>	<u>Off</u> <u>Cal.</u>
Narcotic Offenses	1790	940	367	246	174	11	23	29
Burglary	892	436	194	193	43	-	17	9
Robbery	467	240	157	43	23	-	3	1
Stolen Autos	503	191	104	166	30	-	10	2
Check Offenses	525	165	101	197	44	4	-	14
Theft	828	266	238	240	68	4	6	6
Assaults	630	281	175	127	42	-	2	3
Murder	45	5	37	-	3	-	-	-
Gun Law Offenses	86	34	24	17	10	-	1	-
Sex Offenses	152	67	62	15	4	-	-	4
Conspiracy	68	6	39	20	3	-	-	-
Driving Offenses	51	25	7	15	4	-	-	-
Gambling	30	15	7	1	7	-	-	-
Other Offenses	108	42	49	15	2	-	-	-
TOTAL	6175	2713	1561	1295	457	19	62	68
		44%	25.2%	21%	7.5%	.3%	1%	1%
Fugitives	<u>126</u>							
	6301							

Misdemeanor Cases in Court

All persons arrested for misdemeanors committed in San Francisco must appear in the Municipal Court, the tribunal of

original misdemeanor jurisdiction. These arrests are made for offenses committed in the officers' presence or on warrant or citation, or as a result of reduction of a felony arrest.

Four courts try these cases without jury; two more handle traffic matters, and two others conduct jury trials. This office provides Assistant District Attorneys as prosecutors in all of these courts. It is the duty of these lawyers to present the cases on behalf of the People of the State of California.

Research and court assistance required additional lawyers to service the Municipal Courts.

The total number of misdemeanor cases handled by the Municipal Courts during the past fiscal year was 39,700. By reason of reduction of felony cases in proper fact situations, the Municipal Court was able to relieve the Superior Court of a large number of trials by disposition of cases on a misdemeanor basis.

During the reported fiscal year, 13,797 cases were heard in the two Traffic Courts.

Two Assistant District Attorneys were assigned to the Appellate Department of the Superior Court to handle all appeals arising out of misdemeanor cases. (See Appellate Division *infra*.)

The following list indicates the kind and number of cases involved in the misdemeanor trials in Municipal Court:

MISDEMEANORS IN MUNICIPAL COURT 1967-1968

<u>Offense</u>	<u>Code Sections</u>	<u>Number</u>
Narcotic and Drug	647(f) P.C. (drugs), 11721 H. & S., 4230 B. & P.	4,151
Weapon Offenses	12025 P.C., 12031 P.C., 1291(b) M.P.C., 1290 M.P.C.	1,181
Battery	242 P.C.	1,403
Disturbing the Peace	415 P.C.	1,123
Petty Theft	488 P.C.	2,774
Resisting Arrest	148 P.C.	1,265
Failure to Provide	270 P.C.	204
Drunk in an Auto	647(f) P.C.	1,650
Drunk Driving	23102 V.C.	981
Gambling	330 P.C.	52
Prostitution	647(b) P.C.	1,983
Lewd Conduct and Obscenity	647(a), 314, 315 P.C.	953
Miscellaneous Criminal Violations		8,183
Miscellaneous Vehicle Code Violations		2,819
Other Traffic Offenses		<u>10,978</u>
TOTAL CASES HANDLED:		39,700

In addition to the foregoing, there were 18,830 common drunk arrests, for which this office prepared all of the complaints for the Municipal Court.

Jury Trials

Two and frequently three departments of the Municipal Court were regularly assigned throughout the fiscal year to the trial of misdemeanor jury cases. This division assigned three and occasionally four assistants to the preparation and trial of these cases.

Settings for trial by jury were made in 3,924 cases, of which 1,940 entered pleas of guilty or nolo contendere. Jury trial was waived in 373 cases.

There were 133 jury trials, resulting in 74 guilty verdicts, 38 acquittals and 21 disagreements.

Dismissal on motion of the District Attorney occurred in 1,517 cases. The great majority of these cases were dismissed because the defendants had pleaded guilty in another similar case pending at the same time.

Fifty-one defendants submitted their cases for determination on the report of the arresting officer. More than 80% of these resulted in a finding of guilty by the Court.

As of June 30, 1968, pending cases numbered 513.

The following list illustrates the type and number of offenses for which juries were originally set:

Prostitution Offenses	868
Drunk Driving	154
Other Vehicle Driving Offenses	438
Sex Crimes	91
Battery	231
Drug Offenses	552
Thefts	309
Miscellaneous	1,281

Appellate Division

The Appellate Division of the office handles all appeals in misdemeanor cases. Such appeals are taken either by the defendant or by the People to the Appellate Department of the Superior Court. Their handling entails the preparation and filing of motions, affidavits, briefs, and pleadings of various types. This also involves regular appearances before the Appellate Department of the Superior Court on legal motions and for argument on appellate briefs.

The division also prepares pleadings and makes appearances in the Municipal Court in connection with demurrers and various motions. It answers and argues before the Law and Motion Department of the Superior Court concerning writs of prohibition, habeas corpus and mandate.

During the period between July 1, 1967 and June 30, 1968, only one appeal was taken by the People. This resulted in a reversal of the original defense ruling by the trial court.

During the same period, a total of 124 appeals were filed on behalf of defendants with the following results:

<u>Judgment Affirmed</u>	<u>Appeal Abandoned</u>	<u>Appeal Dismissed</u>
23	5	96

Citations

The issuance of Citations comprises a large portion of our legal business. The Citation process is a simple one. The

person complained about is sent a notice requesting his appearance in our office at a certain time. The complainant also appears. Both are given an opportunity to present their views to an Assistant District Attorney. Following this citation hearing a warrant of arrest is issued or the matter is settled in this office. Out-of-court settlement is the most frequent result. This procedure diverts much unnecessary litigation from the Courts.

Many state and local agencies use the citation process to secure compliance with the law. These include: County Tax Collector; State Board of Equalization; City and County Fire Department; City and County Department of Public Health; City and County Department of Electricity; City and County Planning Commission; City and County Department of Public Works; State Department of Industrial Relations; State Board of Dry Cleaners; State Department of Employment; State Board of Medical Examiners; Department of Professional Standards; Department of Social Services; and the San Francisco Society for the Prevention of Cruelty to Animals.

During the reported fiscal year, 5,173 citations were issued. Approximately one-half required an informal hearing in this office.

Other Functions

This division has voluminous communication with the general public which does not result in litigation of a

criminal nature. Many persons with civil and criminal problems are referred to us by the police and by other public and private agencies. Efforts are made by the division to direct the inquiring citizen to the proper agency if his case is not within our geographical or statutory jurisdiction.

Needless to say there are many incoming telephone calls which must be serviced. Questions of law must be answered by a lawyer.

The stenographic and clerical burden borne by five office assistants is a heavy one. At times the secretarial help needed to complete the work of this division must be secured from other divisions of the office.

Statistical Recapitulation

	<u>1967-1968</u>	<u>1966-1967</u>
Felony Hearings	14,760	10,631
Felony Cases in Court	6,301	6,293
Misdemeanor Cases in Court	39,700	38,787
Jury Trial Settings	3,924	2,925
Jury Trials	133	124
Citations Issued	5,173	5,524
Warrants Prepared:		
Felony	2,044	2,170
Misdemeanor	<u>3,996</u>	<u>4,410</u>
	6,040	6,580

Two major changes in the California Law of Crimes required additional prosecution efforts this year. The first

was the enactment by the Legislature of a new evidentiary hearing, the motion to suppress. This has added many hours to court work, especially in felony cases.

The second major change was a recent Supreme Court ruling requiring an affidavit of the complainant to accompany the complaint for every warrant of arrest. This change not only increased the work involved in the issuance of warrants of arrest but required the recall, cancellation and reissuance of hundreds of warrants already outstanding.

A large portion of this increased workload was the responsibility of the Complaint Division.

SUPERIOR COURT DIVISION

The Criminal Division of the Superior Court, which has jurisdiction over all felony cases, is comprised of four departments. Each department maintains its own calendar of cases and trials. On the average there are about one hundred cases, in varying procedural stages, pending each month in each court. During the fiscal year 1967-68, there were 3,261 defendants charged with felonies who made appearances in the Superior Court. This total represents an increase of 1,093 defendants over the previous fiscal year. It is interesting to note that this was a heavy increase when compared with the year 1966 where the increase was 269, and 1967, where the increase was 411 defendants.

The cases during this fiscal year were disposed of as follows:

Guilty pleas	2,037
Trial by Court	95
Trial by Jury	<u>140</u>
TOTAL	2,272

Of the defendants who proceeded to trial, 83% were convicted.

The cases of the remaining 989 defendants followed other legal process than trial such as: Certification to Juvenile Court; Commitment to State Hospital as mentally incompetent

to stand trial or as insane at the time of commission of the crime; commitment as a mentally disordered sex offender; or dismissals for lack of evidence or in the furtherance of justice. Some of the defendants became fugitives and did not appear for trial. Warrants have been issued for their apprehension.

Processing and disposing of criminal cases is still complicated and lengthened by legal problems relating to arrest, search, and the admission into evidence of confessions and admissions. Appellate Court decisions have recently complicated the presentation of line-up identification testimony.

Pre-trial motions to suppress evidence (Section 1538.5 Penal Code), a new proceeding which became law in 1967, has instituted an entirely new evidentiary hearing prior to trial which has increased the actual court time necessary to dispose of most cases.

The courts are kept busy each day with a daily calendar of cases followed by either pre-trial evidentiary hearings or trials. The trial lawyers assigned to each court appear at the daily calendar sessions of court, then alternate in the trial of cases. Two of them additionally act in a supervisory capacity, each responsible for the proper function of two of the assigned courts.

BUSINESS INVESTIGATION SECTION

During the past fiscal year this section investigated and prosecuted the following types of offenses: Embezzlements, Thefts by False Pretenses, Corporation Security Violations, Forgeries, Credit Card Violations, and other related criminal activities.

Investigations are initiated by complaints from citizens and from Federal, State, and City and County agencies. The first step in investigation is an interview with the complainant or with an investigator from a governmental agency. This is followed by securing of further evidence, if needed, and interviews with all persons who may be witnesses. A warrant is issued if it is determined there are sufficient grounds for a criminal charge.

In some cases, however, a hearing is held at the office of the District Attorney, at which time all interested parties are invited to appear.

If no further investigation is required, a warrant may issue or the matter may be dismissed, depending upon the disclosed circumstances. This procedure of investigation and hearing may take from one day to many months, depending upon the intricacies of the case.

Following arrest for a felony, the defendant is held to answer for trial either through a preliminary hearing or by

indictment.

Below are résumés of some of the more important cases of the past year:

PEOPLE vs. BIAGI

This case involved an insurance company accountant who embezzled over \$45,000 by forging the company's endorsement on checks which he then deposited to his own account. After his plea of guilty he was sentenced to State Prison.

PEOPLE vs. ERICSON

The defendant in this case was a bookkeeper, with four prior embezzlement convictions, who embezzled \$20,000 over a one-year period by forging her employer's name to checks payable to herself. She was sentenced to State Prison after pleading guilty.

PEOPLE vs. HENSON

The defendant had charge of a sales office for a large company selling merchandise to the federal government. By forging the names of company officials, she opened a fictitious company bank account and deposited into it federal checks totaling \$80,000. She withdrew the funds by writing checks to herself. Upon her plea of guilty, she was sentenced to State Prison.

PEOPLE vs. LILLY

This case involved an office manager who embezzled \$50,000 over a six-months period by taking cash from the bank

deposits and then falsifying the company records to cover the thefts. After his plea of guilty, he was sentenced to State Prison.

GRAND JURY

The District Attorney acts as the legal advisor in criminal matters for the Grand Jury, and is responsible for the presentation of evidence in felony cases to the Grand Jurors during Monday evening sessions.

Witnesses called to testify in the matter of these indictments before the Grand Jury totaled 864 during this fiscal year, which is slightly higher than the figure of the previous year of 828, and is an indication of the great amount of preparation involved and the complexity of the matters investigated before presentation to the Grand Jury.

During this fiscal year, the Grand Jury in sessions commencing at 11:30 a.m. each succeeding Thursday, returned 232 indictments involving 354 defendants--an increase over the previous year's 209 indictments and 353 defendants.

BUREAU OF INVESTIGATION

This bureau, headed by a Chief Investigator, is comprised of ten Investigators--six Criminal Investigators, one Psychiatric Investigator, and three Aid to Families with Dependent Children Investigators.

The Criminal Investigators assist the legal staff in preparation of cases for court by securing evidence, interviewing witnesses, obtaining offense reports and criminal records of the accused, and serving subpoenas for the attendance of witnesses for trials in the Superior and Municipal Courts. Other duties involve service of all Uniform Reciprocal Support Orders and the conducting of other inquiries when requested by the legal staff.

Section 4852.01 of the Penal Code provides for the granting of Certificates of Rehabilitation and Pardon, and requires an investigation be conducted by the District Attorney concerning the background of all applicants to determine eligibility. Such investigative report, in affidavit form, is subsequently presented to the Superior Court for its determination.

Following is a brief summary of the major activities of the Criminal Investigation Bureau for the fiscal year 1967-1968:

Reports and criminal records obtained	750
Subpoenas served	255
Interviews held	135
Reciprocal Support Orders served	100
Certificates of Rehabilitation processed	25
Direct assistance in preparation of criminal cases for trial	47
Investigation of applicants as bail solicitors or bail bondsmen	38
Inquiries into demands made pursuant to Section 1381 P.C.	42

PSYCHOPATHIC DIVISION

The primary functions of the Psychopathic Division of the District Attorney's Office are as follows:

A. Investigation of alleged Mentally Ill and Intemperate persons, as well as those addicted to Narcotics or Habit Forming Drugs.

B. When indicated, the initiation and processing through the Superior Court of Petitions of Mental Illness, Intemperance and the addictions mentioned.

C. Preparation and trial of cases arising from demands for jury trials by committed persons.

In general, the Psychopathic Division serves as a clearing house for information regarding mental illness, mental deficiency, alcoholism, drug and narcotic addiction. Complaints of this nature are investigated by a Certified Psychologist employed by this office and regularly assigned to all such cases; whenever necessary a member of the legal staff is also assigned. Where reasonable and probable cause exists, and where no relatives or other interested parties are located or willing to assume responsibility, this office files a Petition requesting an examination of said person. The case is then presented at a hearing before the Superior Court.

The Psychiatric Division of San Francisco General Hospital refers the greatest number of alleged mentally ill or intemperate persons for legal action. However, direct referrals or requests for information or investigation are received from practically all the local public and private agencies dealing with social problems. Numerous interviews are held with private citizens regarding problems related to this particular function of this office; home visits are made and background information on cases in progress is gathered.

The Courts and the Police Department also regularly refer cases for examination. In this connection it should be mentioned that the Police Department has an officer assigned to work exclusively with the Mentally Ill which enables the District Attorney's Office and the police to work in close liaison on this problem.

The legal meaning of mental illness in California was drastically re-defined by legislative action in 1967. Prior to November 8th of last year it was only necessary to show that the patient was mentally ill and in need of treatment, care, or restraint; now it is also necessary to show that the patient is "likely to injure himself or the person or property of others". A certificate signed by a physician stating that he has examined the patient and finds him mentally ill and dangerous must be presented to the Court before any order for

detention and examination is issued.

As was expected, this redefinition led to an immediate and large reduction in the number of cases brought before the Psychopathic Court, or committed as mentally ill persons. It also greatly increased the time and effort of each investigation as a new element, danger, has to be thoroughly considered in each instance.

During the fiscal year ending June 30, 1968, the Psychopathic Division was directly concerned as Petitioner with 428 Superior Court cases (not including jury trials which will be considered separately) as follows:

	<u>1967-68</u>	<u>1966-67</u>
Mental Illness	422	841
Intemperance	2	15
Drugs and Narcotics	<u>4</u>	<u>3</u>
	428	859

Disposition of the above cases was as follows:

Committed to State Hospitals	83
Committed to Veterans Administration	3
Committed to Private Hospitals	2
Voluntary State Hospitals	51
Voluntary San Francisco Hospital	34
Voluntary Veterans Hospital	1
Discharged	251
Deceased	1
Escaped	<u>2</u>
	428

The Superior Court has adopted a policy of allowing those patients who are not considered dangerous to volunteer for hospitalization at the time of hearing and the large number

who do so is shown above. A companion policy of holding and treating patients locally until time of discharge is also evident.

The above statistics represent totals and types of cases initiated by the District Attorney's Office, and comprise 62% of all such cases brought before the Superior Court of this City and County.

The Welfare and Institutions Code provides that where a patient is committed for mental illness or intemperance he, or anyone else in his behalf, may contest the Court finding of commitment by requesting a jury trial on the question of the patient's condition. The District Attorney is directed by the Welfare and Institutions Code to present the case for commitment. These cases are considered by the law as civil proceedings and are tried in the civil departments of the Superior Court. The patients may have representation by private counsel or the Public Defender.

After demand for a jury trial and before trial, the District Attorney's Office always arranges for re-examination by the medical examiners of the Superior Court. If the doctors find there has been sufficient recovery, this office recommends discharge. In addition to the medical testimony, admissible personal, family and employment background are presented at the trial.

During the fiscal year 1967-68, there were nine demands for jury trials, as detailed below:

Number of Jury Trials Requested	9
Number of Requests Withdrawn Prior to Court Action	2
Dismissed at Request of District Attorney	3
Trials Held	4
Found Mentally Ill by Jury	1
Released as Not Mentally Ill by Jury	3

In addition, the Psychopathic Division conducted over 300 investigations during the fiscal year which resulted in the locating of relatives or other interested persons who were willing and able to assume responsibility for the patient, provide private hospitalization, or psychiatric care without the necessity of court proceedings. Many other complaints were found upon investigation to be without merit and legal action was unnecessary.

The recent trend in both the psychiatric and legal fields is to treat the patient, whenever possible, within the community in which he lives, and to use commitment proceedings only when necessary. The pre-petition investigation by this office, the success of the State geriatrics group in placing chronic senile patients, and the treatment of alcoholics and less severe mental cases locally have all obviously reduced a potentially much higher commitment rate.

It must be strongly emphasized that thorough and competent investigation is required to insure that only grievous, merited cases are brought to the court's attention.

AID TO FAMILIES WITH DEPENDENT CHILDREN
INVESTIGATION DIVISION

Since the enactment of Section 1552.4 (now Section 11475) of the Welfare and Institutions Code in 1951, the Department of Social Services and the Youth Guidance Center have referred 38,663 cases to the District Attorney for investigation.

This office does not determine the eligibility of applicants for aid; such determination is made exclusively by the Department of Social Services. The principal functions of the AFDC investigators are:

1. Finding the absent parents to enforce legal support obligations.
2. Instituting proper criminal action against those who have fraudulently received aid.

During the fiscal year 1967-1968

2,184	New AFDC cases referred.
292	Inactive cases reopened.
<u>3,134</u>	Active cases held over from last year.
5,610	Total active caseload.
<u>3,148</u>	Cases closed.
2,462	Active cases as of July 1, 1968.

Approximately 4,045 interviews were held regarding the above cases.

The following were the reasons for closing the 3,148 cases:

The impossibility to establish paternity.

Uniform Reciprocal Support Action by this office, whereby an order was obtained for support from a responsible parent residing outside of California.

Convictions under Section 270 of the Penal Code, resulting in sentences of probation or incarceration.

The Adult Probation Department took over supervision of the absent parent on Voluntary Probation (Section 580D of the Welfare and Institutions Code or per Section 139.5 of the Civil Code).

The complainant left this jurisdiction.

The defendant was located by this office and a support agreement reached for payment either to the recipient or the Department of Social Services.

Paternity

The increase in illegitimacy is a contributing factor to the increase of Welfare disbursements. Establishing paternity of these children is difficult, but AFDC investigators endeavor to have the natural fathers voluntarily acknowledge paternity through written statements, and then arrange support payments commensurate with the individuals' incomes. During this fiscal year, 86 such statements were obtained by the investigators.

Investigations for Other Jurisdictions

Another duty of the AFDC investigators is locating and interviewing absent parents, verifying wages, securing voluntary paternity acknowledgments and other data for other

jurisdictions. Approximately 132 such requests were received and processed last year.

Welfare Fraud

Fraud is the general term applied to those cases in which there are reasonable grounds to believe that a welfare recipient has received aid as a result of willfully and knowingly making false statements or failing to disclose a material fact, in order to obtain such aid.

Such cases are either initially detected and investigated by the AFDC investigators of this office or are referred to this office for additional investigation and analysis by the Department of Social Services. Depending on the circumstances under which the fraud was perpetrated, criminal charges have been filed for violations of Penal Code Section 487 (Grand Theft), Penal Code Section 488 (Petty Theft), Welfare and Institutions Code Section 11482 (Misrepresentation), Welfare and Institutions Code Section 11265 (False Statement Under Oath), Welfare and Institutions Code Section 11054 (Perjury), and Welfare and Institutions Code Section 11480 (Misuse of Funds).

As a result of the efforts of this office to bring these particular matters before the courts, the total number of warrants issued, arrests made, convictions secured and restitution obtained for fiscal year 1967-1968 is indicated by the following statistics:

Suspected fraud cases newly referred	112
No criminal charges filed by District Attorney, due to insufficient evidence	17
Restitution in the amount of \$2,377.35 obtained as a result of citation hearings (no criminal action taken)	7
Warrants issued	65
Total arrests made	121
Convictions - restitution ordered	110
Compromised under Sections 1377 and 1378 of Penal Code, restitution obtained in the amount of \$485.00	2
Total restitution ordered by court	\$113,174.48
Dismissed by court	23
Warrants cancelled (statutes had run or recalled by Department of Social Services)	36
Cases pending in court	5
Warrants outstanding	24
Cases requiring further investigation before criminal charges may be filed	28

BUREAU OF FAMILY RELATIONS

This bureau investigates all complaints of a purported criminal nature arising within a family or quasi family situation.

Four staff members investigate these complaints, which include: failure to provide for minor children; failure to provide for indigent wives; battery; assault; wife beating; disturbing the peace; threats to do bodily harm; malicious mischief; mental illness; alcoholism; establishment of paternity upon the complaints of unwed mothers; denial of visiting rights to a parent where custody of child or children is under court order; various other types of domestic difficulties. Cases of mental illness or alcoholism are referred to San Francisco General Hospital, Psychopathic Division, for investigation.

All alternative actions to solution of these domestic difficulties are examined prior to the issuance of any warrant. Citations are issued to determine whether the alleged crime has been committed. The limits of the law are defined to both the complainant and respondent. The necessity for issuance of a criminal warrant is eliminated in most cases, thus settling the dispute, saving court costs and not adding to crowded court calendars. Referrals may be made to the many community agencies offering counseling service to those needing particular assistance.

This bureau invokes Section 270 of the California Penal Code (failure to provide for minor children, both legitimate and illegitimate). Every effort is made to secure voluntary support. Although 2,203 complaints of non-support were made, only 102 warrants for arrest were issued. There were 194 voluntary referrals made to the Adult Probation Department under Section 580(d) of the California Welfare and Institutions Code. The members of the staff were, in most cases, able to secure the cooperation of the fathers as a result of citation hearings.

A great deal of time and effort was exerted in searching for defendants, who did not reside in this jurisdiction or in California, through the many sources available to this office. There is voluminous correspondence with the following agencies: California Bureau of Criminal Identification and Investigation; California Department of Employment; Armed Forces of the United States; Unions; Employers; District Attorneys in other jurisdictions.

There are occasions when it may be necessary for the complainant to seek civil remedy for non-support of a minor child or children. The complainant is then advised to file a complaint under the Uniform Reciprocal Enforcement of Support Act.

The Bureau of Family Relations processed the following complaints during the fiscal year:

<u>Classification</u>	<u>Cases</u>
270 Penal Code (Non-Support of Minor Children)	2,203
270a " " (Non-Support of Indigent Wife)	181
242 " " (Battery)	1,606
415 " " (Disturbing the Peace)	1,453
594 " " (Malicious Mischief)	243
279 " " (Denial of Visiting Rights)	119
273d " " (Felony Wife Beating)	26
Mental Illness	178
Unwed	180
Drinking	782
Domestic Difficulties	2,190
Threats	610
Miscellaneous	<u>566</u>
TOTAL	10,337

During the year 2,292 citations were mailed: 1,646 hearings were held; and 2,990 referrals were made. Approximate 12,750 telephone inquiries regarding case status, specific complaints, and general information were handled by this bureau.

UNIFORM RECIPROCAL ENFORCEMENT
OF SUPPORT DIVISION

On the basis of the following statistics it appears that there has been no appreciable change in the caseload from our last report.

There have been a number of changes with regard to the processing of reciprocal actions initiated in our jurisdiction. The San Francisco Neighborhood Legal Assistance Foundation has been processing cases for mothers who are not receiving welfare assistance and are unable to employ counsel. This same office is also appearing as defense counsel in a number of reciprocal cases which we have processed as the responding state. These changes could affect our caseload, particularly in those cases where the mother of children has not as yet applied for welfare but may do so at a future date, if the father of her children is not furnishing support.

Since March of this year both our reciprocal support cases and those referred to us by the Adult Probation Department under the provisions of Section 139.5 of the Civil Code are now being heard by a Court Commissioner through an assignment of such cases by the Judge who presides in our Domestic Relations Department.

This procedure, which has been experimental, thus far seems to be working out quite well. It expedites the hearing

of our cases as they are set for a definite hour each day and do not conflict with the cases to be heard in the Domestic Relations Department of the Court.

The Assistant District Attorney who has been handling this work has been assisting at the National Conference on Reciprocal Support with the preparation of recommendations to the Commissioner on Uniform Laws regarding revisions and amendments to the Reciprocal Support Act, which should be enacted by the respective State Legislatures in the near future.

The statistical data for this year is as follows:

UNIFORM RECIPROCAL SUPPORT CASES PROCESSED FISCAL YEAR 1967-1968

<u>San Francisco Initiated</u>	<u>Av. per Mo.</u>	<u>Other Jurisdic- tions Initiated San Francisco Responded</u>	<u>Av. per Mo.</u>	<u>Total Cases Processed</u>	<u>Average All Cases per Month</u>
60	5	269	22.42	329	27.42

139.5 CIVIL CODE

68 Defendants cited

The statistics for the Reciprocal Support Division with regard to support cases handled each month for the past five years averages out as follows:

1963-1964	37.83
1964-1965	34.68
1965-1966	35.50
1966-1967	27.75
1967-1968	27.42

DECREASE OR INCREASE OF NEW CASES 1967-1968

San Francisco Initiated

1966-1967 New Cases 60
1967-1968 New Cases 60

NO INCREASE OR DECREASE

San Francisco Responded

1966-1967 New Cases 273
1967-1968 New Cases 269

DECREASE NEW CASES 4

Support Orders Entered 1967-1968	153
Support Orders Entered or Modified	5
Interim Orders re Contempt (URESAs)	32
Miscellaneous Orders	<u>21</u>

TOTAL	211
-------	-----

Average Orders per Month	17.58
--------------------------	-------

Support Orders Obtained by Other Juris.	26
Support Orders Amended/Modified by Other Juris.	<u>2</u>

TOTAL	28
-------	----

Average Orders per Month	2.33
--------------------------	------

Total Orders Prepared and Entered for Other Jurisdictions	211
Total Orders Other Jurisdictions Sent to San Francisco	28

Interim Orders Under 139.5 C.C.	38
Modified Interim Orders	1
Changes of Venue from San Francisco	18
Changes of Venue to San Francisco	8

INCREASE/DECREASE OF ORDERS COMPARED 1966-1967 TO 1967-1968

1966-1967 Orders Obtained by Other Jurisdictions for San Francisco	45	1966-1967 Orders Obtained by San Francisco for Other Jurisdictions	273
1967-1968 Orders Obtained by Other Jurisdictions for San Francisco	<u>28</u>	1967-1968 Orders Obtained by San Francisco for Other Jurisdictions	<u>211</u>
DECREASE	17	DECREASE	62

SUPERIOR COURT BAIL BOND FORFEITURES

During the past fiscal year, there were 32 bail forfeitures ordered by the Superior Court which resulted in the following determinations:

<u>Summary Judgments</u>	<u>Collected</u>	<u>Amount</u>
27	27	\$26,166.50

Two summary judgments were set aside on motion heard by the Municipal Court. Three forfeitures are pending to be collected after the statutory time has expired.

At the request of the Clerk of the Municipal Court, this office obtained a summary judgment in one of his cases involving \$5,500.00. A motion to set aside this forfeiture and the summary judgment was denied, and an appeal from this ruling was dismissed. The surety has now filed an action for declaratory relief in this case, to which we have filed a demurrer, and a hearing is pending.

DOCUMENTS

SEP 18 1969

SAN FRANCISCO
PUBLIC LIBRARY

ANNUAL REPORT

1968-69

JOHN JAY FERDON

DISTRICT ATTORNEY

CITY AND COUNTY



OF SAN FRANCISCO

ANNUAL REPORT TO MAYOR

Submitted by

JOHN JAY FERDON, DISTRICT ATTORNEY

July 1, 1968 - June 30, 1969

CONTENTS

COMPLAINT DIVISION	1
SUPERIOR COURT DIVISION	14
BUSINESS INVESTIGATION SECTION	16
GRAND JURY	19
BUREAU OF INVESTIGATION	20
Psychopathic Division	20
Criminal Division.	23
Aid to Families with Dependent Children Division	24
BUREAU OF FAMILY RELATIONS	29
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION	32

COMPLAINT DIVISION

"No warrant" felony arrests are those arrests made by the police when they witness the commission of a felony or have reasonable cause to believe that a felony has been committed.

To assure just disposition of these cases, the Assistant District Attorneys who review them before the filing of a complaint must possess a thorough knowledge of the current Federal and State criminal law. The Appellate Courts continually review and reinterpret the laws of arrest, search and seizure, search warrants, confessions and admissions, criminal identification and other fields of the criminal law.

The law imposes strict time limitations. All arrests must be handled with dispatch and with full regard for the rights of the public and the arrested person. The Complaint Division, having first contact with all cases, is responsible for initiating prosecutions.

In this fiscal year the Complaint Division handled 17,881 "no warrant" felony cases involving 12,287 defendants. This was an increase of 3,121 (approximately 21%) over the 14,760 cases of the previous fiscal year.

After additional police investigation and examination by a lawyer of this division, it was found that 50% of these matters were not legally sufficient for prosecution. These were discharged. Reduction to misdemeanor prosecution occurred in 11%

of these arrests. They were not of sufficient legal or factual stature to be prosecuted as felonies. This left the remaining 39% of the arrests for felony prosecution.

The following statistics disclose the type of offenses considered and the result of the hearings held to determine what complaint, if any, should be filed:

ON VIEW FELONY ARRESTS

July 1, 1968 - June 30, 1969

	<u>Total</u>	<u>Rebooked</u>	<u>Dismissed</u>	<u>Reduced</u>
Narcotic Offenses	5,630	2,339	2,948	343
Burglary	1,584	801	485	298
Robbery	1,300	552	691	57
Stolen Autos	1,631	799	693	139
Check Offenses	559	310	183	66
Theft	3,600	826	2,411	363
Assaults	1,921	771	542	608
Murder	97	65	23	9
Gun Law Offenses	522	122	236	164
Sex Offenses	276	106	144	26
Conspiracy	412	61	322	29
Driving Offenses	80	56	9	15
Gambling	30	17	13	--
Other Offenses	239	91	126	22
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL:	17,881	6,916	8,826	2,139

Felony Cases in Court

All "no warrant" felony arrests which have passed legal scrutiny next appear on the calendar of the Municipal Court, along with arrests made upon warrant of a magistrate.

During the reported fiscal year, six courts were conducting preliminary hearings, requiring adequate factual and legal preparation of each case. One Municipal Court, Department #13, is assigned exclusively to the hearing of felony cases.

In this category, due to improved methods of review by this office, the number of cases increased to 8,176 from 6,301 for the previous year, involving 6,603 defendants. This total included felony arrests on warrant.

Sometimes after preliminary hearing, additional factors appear which cause the reevaluation of a case. This year's felony hearings resulted in a reduction to misdemeanor of 29% and the outright dismissal of 17%; felony cases held for trial in Superior Court amounted to 40%; the remaining 14% are pending or disposed of by guilty pleas or other procedures.

A considerable number of the dismissals in Municipal Court were due to the individuals involved being indicted by the County Grand Jury before the preliminary hearing was held.

The following table reveals the type of offense involved and the dispositions made:

FELONY CASES IN COURT

1968 - 1969

	<u>Total</u>	<u>Held</u>	<u>Dis-</u> <u>missed</u>	<u>In-</u> <u>dicted</u>	<u>Re-</u> <u>duced</u>	<u>Pend-</u> <u>ing</u>	<u>Glt'y</u> <u>Plea</u>	To <u>Juv</u> <u>Ct.</u>	<u>Off</u> <u>Cal</u>
Narcotic Offenses	2491	386	413	137	804	102	10	24	115
Burglary	903	428	100	14	321	10	3	13	14
Robbery	660	344	122	84	72	5	1	12	20
Stolen Autos	814	287	180	2	313	5	-	11	16
Check Offenses	520	180	65	21	223	2	5	2	22
Theft	924	322	204	16	328	7	1	7	39
Assault	979	458	224	52	208	10	-	11	16
Murder	99	15	12	66	-	3	1	2	-
Gun Law Offenses	134	64	22	10	32	1	-	-	5
Sex Offenses	170	104	20	24	20	1	1	-	-
Conspiracy	105	24	21	33	21	-	-	2	4
Driving Offenses	81	39	11	-	25	3	1	1	1
Gambling	17	9	1	-	-	6	-	-	1
Other Offenses	161	72	19	36	30	2	-	-	2
TOTAL:	8058	3232	1414	495	2397	157	23	85	255
Fugitives	118								
	8176								

Misdemeanor Cases in Court

All persons arrested for misdemeanors committed in San Francisco must appear in the Municipal Court, the tribunal of original misdemeanor jurisdiction. These arrests are made for offenses committed in the officers' presence or on warrant or citation, or as a result of reduction of a felony arrest.

Four courts try these cases without jury; two more handle traffic matters, and two others conduct jury trials. This office provides Assistant District Attorneys as prosecutors in all of these courts. It is the duty of these lawyers to present the cases on behalf of the People of the State of California.

Research and court assistance require additional lawyers to service the Municipal Courts.

The total number of misdemeanor cases handled by the Municipal Courts during the past fiscal year was 33,973. By reason of reduction of felony cases in proper fact situations, the Municipal Court was able to relieve the Superior Court of a large number of trials by disposition of cases on a misdemeanor basis.

During the reported fiscal year, 9,562 cases were heard in the two Traffic Courts. This office was required to suspend representation by Assistant District Attorneys in Traffic Court because of the emergency situation concerning 500 defendants arrested at San Francisco State College. These cases required approximately 25% of our legal personnel to try these extra-

session criminal jury trials at City Hall. This accounts for the fewer cases handled in the Traffic Court.

Two Assistant District Attorneys were assigned to the Appellate Department of the Superior Court to handle all appeals arising out of misdemeanor cases. (See Appellate Division infra.)

The following list indicates the kind and number of cases involved in the misdemeanor trials in Municipal Court:

MISDEMEANOR CASES IN COURT -- 1968 - 1969

<u>Offense</u>	<u>Code Sections</u>	<u>Number</u>
Narcotic and Drug	647(f) P.C. (drugs), 11721 H. & S., 4230 B. & P.	2,899
Weapon Offenses	12025 P.C., 12031 P.C., 1291(b) MPC, 1290 MPC	1,415
Battery	242 P.C.	1,256
Disturbing the Peace	415 P.C.	1,164
Petty Theft	488 P.C.	2,341
Resisting Arrest	148 P.C.	1,229
Failure to Provide	270 P.C.	121
Drunk in Auto	647(f) P.C.	1,554
Drunk Driving	23102 V.C.	1,150
Gambling	330 P.C.	189
Prostitution	647(b) P.C.	1,809
Lewd Conduct and Obscenity	647(a) P.C., 314 P.C., 315 P.C.	803
Misc. Criminal Violations		8,481
Misc. Vehicle Code Violations		3,110
Other Traffic Offenses		<u>6,452</u>
TOTAL CASES HANDLED:		33,973

In addition to the foregoing, there were 15,827 common drunk arrests for which this office prepared all the complaints for the Municipal Court.

Jury Department

This year the jury department had the burden of disposing of the San Francisco State arrests. The District Attorney assigned a senior lawyer and seven assistants to handle the mass arrests arising out of the incident of January 23, 1969, at which time 447 individual defendants were arrested. Of these 447 defendants, 182 had been disposed of before the end of the fiscal year. There had been 15 trials lasting an average of five weeks. 51 defendants were found guilty by juries, 79 pleaded guilty or nolo contendere, 49 were found not guilty by a jury, two defendants were dismissed, and one died. There were also 129 defendants arrested at San Francisco State College at times different from the mass arrest, and of those the following dispositions have been made. In 14 trials, the jury has brought in eight verdicts of guilty, two acquittals and four directed verdicts of not guilty. In addition there were 12 dismissals and 22 pleas of guilty or nolo contendere.

All other misdemeanor jury trials were the responsibility of a maximum of three deputies, a normalcy of two and for over one month only one deputy was available. Demands for jury trials in misdemeanors (other than State College cases) were made 4,719 times during this fiscal year. To explain these statistics, a

group arrest of several defendants has been assigned as one arrest -- if one trial will result, a finding of guilty on one count is counted as a finding of guilty on all -- and if other charges are dismissed they are not counted as dismissals, unless the dismissed charge was from a separate previous or subsequent arrest.

Pleas of guilty or nolo contendere were entered by 2,688 defendants. Jury trial was waived in 244 cases which cases then were returned to the general courts. 95 defendants charged with minor traffic violations agreed to go to Traffic School after which their cases were dismissed. 68 defendants submitted their cases on the report of the arresting officers for determination, and of these 31 were found guilty, 37 not guilty.

The jury department took 120 cases to trial and had 68 guilty verdicts, 35 acquittals, and 17 hung juries.

In 1,504 cases the District Attorney's office moved for dismissal, because of a plea on another arrest or because witnesses were not available or in the interest of justice.

The following list illustrates the type and approximate percentage of offenses for which juries were asked:

Prostitution offenses	23%
Drunk driving	4%
Other vehicular offenses	11%
Sex crimes	2%
Drug offenses	13%
Battery	6%
Thefts	8%
Miscellaneous	33%

Appellate Division

The Appellate Division of the office handles all appeals arising from proceedings in the Municipal Court where misdemeanor cases are heard. Such appeals are taken to the Appellate Department of the Superior Court and may be filed either by the defendant or by the People. The handling of these appeals requires the preparation and filing of motions, affidavits, briefs and various other types of pleadings, and regular appearances before the Appellate Department of the Superior Court for argument on such matters.

The division also prepares pleadings and makes appearances in the Municipal Court in connection with demurrers and various motions heard there. It prepares briefs in response to petitions in the Superior Court for various extraordinary writs and appears in the Law and Motion Department of the Superior Court for argument on such matters.

During the period between July 1, 1968 and June 30, 1969, five appeals were taken by the People, three of which were disposed of without the necessity of perfecting the appellate remedy. Of the other two, one was affirmed and a reversal was obtained in the other.

During the same period, a total of 87 appeals were filed on behalf of defendants with the following results:

<u>Affirmed</u>	<u>Reversed</u>	<u>Abandoned by Appellant</u>	<u>Dismissed on Motion of DA</u>
17	4	5	61

The figures for the period 1968 - 1969 indicate a decrease in the number of appeals filed on behalf of defendants which were subsequently dismissed on motion of the District Attorney either for lack of prosecution or as frivolous appeals. However, the number of appeals prosecuted to completion is almost the same as last year.

Citations

The issuance of citations comprises a large portion of our legal business. The citation process is a simple one. The person complained about is sent a notice requesting his appearance in our office at a certain time. The complainant also appears. Both are given an opportunity to present their views to an Assistant District Attorney. Following this citation hearing a warrant of arrest is issued or the matter is settled in this office. Out-of-court settlement is the most frequent result. This procedure diverts much unnecessary litigation from the courts.

Many state and local agencies use the citation process to secure compliance with the law. These include: County Tax Collector; State Board of Equalization; City and County Fire Department; City and County Department of Public Health; City and County Department of Electricity; City and County Planning Commission; City and County Department of Public Works; State Department of Industrial Relations; State Board of Dry Cleaners; State Department of Employment; State Board of Medical Examiners;

Department of Professional Standards; Department of Social Services; and the San Francisco Society for the Prevention of Cruelty to Animals. During the reported fiscal year, 3,865 citations were issued. Approximately one-half required an informal hearing in this office. This department of the office was also greatly effected by the emergency situation requiring trial of State College arrestees at the City Hall. The reduction in case-load of approximately 1,600 citations was caused by the lack of personnel available to handle these hearings when we were required to expand our Misdemeanor Jury Trial Department.

Other Functions

This division has voluminous communication with the general public which does not result in litigation of a criminal nature. Many persons with civil and criminal problems are referred to us by the police and by other public and private agencies. Efforts are made by the division to direct the inquiring citizen to the proper agency if his case is not within our geographical or statutory jurisdiction.

Needless to say there are many incoming telephone calls which must be serviced. Questions of law must be answered by a lawyer.

The stenographic and clerical burden borne by five office assistants is a heavy one. At times the secretarial help needed to complete the work of this division must be secured from other divisions of the office.

STATISTICAL RECAPITULATION

	<u>1968-1969</u>	<u>1967-1968</u>
On View Felony Arrests	17,881	14,760
Felony Cases in Court	8,176	6,301
Misdemeanor Cases in Court	33,973	39,700
Jury Trial Demands (other than State College cases)	4,719	3,924
Jury Trials (other than State College cases)	120	133
State College Jury Demands	576	--
State College Jury Trials	29	--
Citations Issued	3,865	5,173
Warrants Prepared:		
Felony	1,679	2,044
Misdemeanor	<u>4,090</u>	<u>3,996</u>
	5,769	6,040

Two major changes in the law still required additional prosecution efforts this year. The first was the enactment by the Legislature in 1967 of a new procedure relating to motions to suppress. This has required evidentiary hearings and has added many hours of court work.

The second major change was a Supreme Court ruling requiring an affidavit to accompany the complaint in every case where a warrant of arrest is issued.

The recent United States Supreme Court ruling in Chimel vs. California, restricting the authority of the police to search without a warrant, even when arrest is made pursuant to a warrant,

has substantially increased the number of affidavits for search warrants processed by this office. In order to insure the validity of these documents it is often necessary to compose several drafts before the final warrant is ready for the signature of the magistrate.

SUPERIOR COURT DIVISION

The Criminal Division of the Superior Court, which has jurisdiction over all felony cases, is comprised of four departments. Each department maintains its own calendar of cases and trials. On the average there are about one hundred cases, in varying procedural stages pending every month in each court. During the fiscal year 1968 - 1969, there were 2,791 new cases filed in the Superior Court. This represents an increase of 217 new filings over the previous fiscal year. During the fiscal year 1968 - 1969, there were 3,347 defendants who made appearances in Superior Court. This represents an increase of 86 appearances by defendants over the previous fiscal year.

The cases disposed of during the fiscal year 1968 - 1969 were as follows:

Guilty Pleas	2,274
Trial by Court	57
Trial by Jury	<u>71</u>
TOTAL:	2,402

Of the defendants who proceeded to trial, 84% were convicted.

The cases of the remaining 945 defendants followed other legal process than trial such as: certification to Juvenile Court; commitment to state hospital as mentally incompetent to stand trial or as insane at the time of commission of the crime; commitment as a mentally disordered sex offender; or dismissals for lack of evidence or in the furtherance of justice. Some of

the defendants became fugitives and did not appear for trial. Warrants have been issued for their apprehension.

Processing and disposing of criminal cases has become extremely complicated and is lengthened by legal problems relating to arrest, search and seizure, and the admission into evidence of confessions and admissions.

Section 1538.5 of the Penal Code authorizes a pre-trial motion to suppress evidence. This statute, which became law in 1967, provides for an evidentiary hearing prior to trial. These hearings are frequently lengthy and complicated, and have significantly increased the actual court time necessary to dispose of cases.

All four Superior Courts in the Criminal Division have a daily calendar of from 20 to 40 cases in varying procedural stages, followed by either pre-trial evidentiary hearings or trials. Two trial lawyers are assigned to each of the four courts. They are responsible for all of the cases pending in that court, and alternate in the trial of cases and the presentation of evidence at pre-trial evidentiary hearings.

BUSINESS INVESTIGATION SECTION

During the past fiscal year this section investigated and prosecuted the following types of offenses: embezzlements, thefts by false pretenses, corporation security violations, forgeries, credit card violations, and other related criminal activities.

Investigations are initiated by complaints from citizens and from federal, state, and city and county agencies. The first step in investigation is an interview with the complainant or with an investigator from a governmental agency. This is followed by securing of further evidence, if needed, and interviews with all persons who may be witnesses. A warrant is issued if it is determined there are sufficient grounds for a criminal charge.

In some cases, however, a hearing is held at the office of the District Attorney, at which time all interested parties are invited to appear.

If no further investigation is required, a warrant may issue or the matter may be dismissed, depending upon the disclosed circumstances. This procedure of investigation and hearing may take from one day to many months, depending upon the intricacies of the case.

Following arrest for a felony, the defendant is held to answer for trial either through a preliminary hearing or by indictment.

Below are the resumes of some of the more important cases of

the past year:

People vs. Treadway

This case involved a bookkeeper who, over a period of six years, embezzled \$48,000 by forging her employer's name to checks and falsifying the company books to cover the thefts. After her plea of guilty she was sentenced to State Prison.

People vs. Bartlam

The defendant was employed by an attorney as a secretary - bookkeeper. She stole \$2,500 by forging her employer's name to checks and cashing them. The defendant, having five prior convictions, was sentenced to State Prison.

People vs. Randall and Powell

This case involved a bookkeeper, who took over \$4,000 in four months from her employer and covered the thefts by bringing the company books home, and, with the help of her roommate, falsifying them. Both defendants had prior criminal records and were sentenced to State Prison.

During the past year this section has undertaken the obtaining of injunctive relief in cases involving false advertising and unlawful business practices. The prosecution of these matters initially requires the securing of a temporary restraining order followed by the obtaining of a preliminary injunction and ultimately a permanent injunction. These actions can result not only in the stopping of illegal business practices, but in the county receiving up to \$2,500 for each violation. To date three

such suits have been instituted. Two of the suits are awaiting trial, a preliminary injunction having already been obtained, while in the third the hearing for a preliminary injunction is pending decision.

GRAND JURY

The District Attorney acts as the legal advisor to the Grand Jury in all criminal matters. He is responsible for the presentation of evidence in felony cases where an indictment is sought. Witnesses are called and the cases presented on each Monday evening. When indictments are voted, they are formally presented to the Presiding Judge of the Superior Court on the following Thursday morning.

There were 681 witnesses called to testify before the Grand Jury during the fiscal year. In all, the Grand Jury returned 154 indictments involving 251 defendants.

BUREAU OF INVESTIGATION

This bureau of ten, headed by the Chief Investigator, has one Psychiatric Investigator, six investigators assigned to the Criminal Division, and three in the division handling Aid to Families with Dependent Children.

Psycopathic Division

The primary functions of the Psycopathic Division of the District Attorney's office are as follows:

- (1) Investigation of alleged mentally ill and intemperate persons, as well as those addicted to narcotics or habit-forming drugs.
- (2) When warranted, the initiation and processing of commitment proceedings concerning such persons in the Superior Court.
- (3) The preparation and presentation of cases wherein the alleged mentally ill person has demanded trial by jury.

In general, the Psycopathic Division serves as a clearing-house for information regarding mental illness, deficiency, alcoholism, drug and narcotic addiction. Direct referrals are received from practically all the local public and private agencies dealing with social problems, and numerous interviews are held with private citizens regarding their relevant problems. Home visits are made; background information on cases in progress is gathered.

Complaints are investigated by a certified psychologist employed by this office and regularly assigned to all such cases. Whenever advisable, a member of the legal staff is also assigned. Where reasonable and probable cause exists, and where no relatives or other interested parties are located or willing to assume the responsibility, this office files a petition requesting a psychiatric examination of said person. The particular case is subsequently presented in Superior Court.

During the fiscal year ending June 30, 1969, the Psycopathic Division was directly concerned as petitioner with 354 Superior Court cases (not including jury trials, which will be considered separately) as follows:

	<u>1968 - 1969</u>	<u>1967 - 1968</u>
Mental Illness	345	422
Intemperance	7	2
Drugs and Narcotics	<u>2</u>	<u>4</u>
	354	428

Disposition of the above cases was as follows:

Committed to State Hospitals	67
Committed to Veterans Administration	7
Committed to Private Hospitals	4
Voluntary State Hospitals	36
Voluntary San Francisco Hospital	41
Discharged	194
Deceased	<u>5</u>
	354

The Superior Court has adopted a policy of allowing those patients who are not considered dangerous to volunteer for hospitalization at the time of hearing and the large number who do so is shown above. A companion policy of holding and treating patients locally until time of discharge is also evident.

The above statistics represent totals and types of cases initiated by the District Attorney's office, and comprise 62% of all such cases brought before the Superior Court of this City and County.

The Welfare and Institutions Code provides that where a patient is committed for mental illness or intemperance he, or anyone else in his behalf, may contest the court finding of commitment by requesting a jury trial on the question of the patient's condition. The District Attorney is directed by the Welfare and Institutions Code to present the case for commitment. These cases are considered by the law as civil proceedings, and are tried in the Superior Court civil departments. The patients may have representation by private counsel or the Public Defender.

During the fiscal year 1968 - 1969 there were five demands for jury trials, as detailed below:

Number of Jury Trials Requested	5
Number of Requests Withdrawn Prior to Court Action	4
Trials Held	1
Found Mentally Ill by Jury	1

In addition, the Psycopathic Division conducted numerous investigations during the fiscal year which resulted in the locating of relatives or other interested persons who were willing and able to assume responsibility for the patient and arrange private hospitalization or psychiatric care without the necessity of court proceedings. Many other complaints were found upon investigation to be without merit, and legal action was unnecessary.

The recent trend in both the psychiatric and legal fields is to treat the patient, whenever possible, within the community in which he lives, and to use commitment proceedings only when absolutely necessary. The Lanterman-Petris-Short Act, which became effective July 1, 1969, will completely change the legal procedures dealing with mental illness in California. It is not yet clear what role, if any, the courts will play in these changed procedures.

Criminal Division

The Criminal Investigators assist the legal staff in preparation of cases for court by securing evidence, interviewing witnesses, obtaining offense reports and criminal records of the accused, and serving subpoenas for the attendance of witnesses for trials in the Superior and Municipal Courts. Two Criminal Investigators were assigned to the lawyers prosecuting the many cases resulting from the disturbances at San Francisco State College. Other duties are the service of all Uniform Reciprocal

Support Orders and the conducting of various inquiries requested by the legal staff.

Section 4852.01 of the California Penal Code provides for the granting of Certificates of Rehabilitation and Pardon by the Governor. An investigation of each applicant is conducted by the District Attorney to determine eligibility. Such investigative reports, in affidavit form, are subsequently presented to the Superior Court for its determination.

Following is a brief summary of the major activities of the Criminal Division of the Bureau of Investigation for the fiscal year 1968 - 1969:

Reports and criminal records obtained	4,218
Subpoenas served	234
Interviews held	101
Reciprocal Support Orders served	87
Certificates of Rehabilitation processed	19
Direct assistance in preparation of criminal cases for trial	291
Investigation of applicants as bail solicitors or bail bondsmen	27
Inquiries into demands made pursuant to Section 1381 Penal Code	77

Aid to Families with Dependent Children Division

Since the enactment of Section 1552.4 (now Section 11475) of the Welfare and Institutions Code in 1951, the Department of

Social Services and the Youth Guidance Center have referred 41,005 cases to the District Attorney for investigation.

This office does not determine the eligibility of applicants for aid; such determination is made exclusively by the Department of Social Services. The principal functions of the AFDC investigators are:

1. Finding the absent parents to enforce legal support obligations.
2. Instituting proper criminal action against those who have fraudulently received aid.

During the fiscal year 1968 - 1969

2,342	New AFDC cases referred.
884	Inactive cases reopened.
<u>2,462</u>	Active cases held over from last year.
5,688	Total active caseload.
<u>2,167</u>	Cases closed.
3,521	Active cases as of July 1, 1969.

Approximately 4,672 interviews were held regarding the above cases.

The following were the reasons for closing the 2,167 cases:

The impossibility to establish paternity.

Uniform Reciprocal Support Action by this office, whereby an order was obtained for support from a responsible parent residing outside of California.

Convictions under Section 270 of the Penal Code, resulting in sentences of probation or incarceration.

The Adult Probation Department took over supervision of the absent parent on voluntary probation (Section 580D of the Welfare and

Institutions Code or per Section 139.5 of the Civil Code).

The complainant left this jurisdiction.

The defendant was located by this office and a support agreement reached for payment either to the recipient or the Department of Social Services.

Paternity

The increase in illegitimacy is a contributing factor to the increase of welfare disbursements. Establishing paternity of these children is difficult, but AFDC investigators endeavor to have the natural fathers voluntarily acknowledge paternity through written statements, and then arrange support payments commensurate with the individuals' incomes. During this fiscal year, 64 such statements were obtained by the investigators.

Investigations for Other Jurisdictions

Another duty of the AFDC investigators is locating and interviewing absent parents, verifying wages, securing voluntary paternity acknowledgments and other data for other jurisdictions. Approximately 113 such requests were received and processed during this year.

Welfare Fraud

Fraud is the general term applied to those cases in which there are reasonable grounds to believe that a welfare recipient has received aid as a result of wilfully and knowingly making false statements or failing to disclose a material fact, in order to obtain such aid.

Such cases are either initially detected and investigated by the AFDC investigators of this office or are referred to this office for additional investigation and analysis by the Department of Social Services. Depending on the circumstances under which the fraud was perpetrated, criminal charges have been filed for violations of Penal Code Section 487 (Grand Theft), Penal Code Section 488 (Petty Theft), Welfare and Institutions Code Section 11482 (Misrepresentation), Welfare and Institutions Code Section 11265 (False Statement Under Oath), Welfare and Institutions Code Section 11054 (Perjury), and Welfare and Institutions Code Section 11480 (Misuse of Funds).

As a result of the efforts of this office to bring these particular matters before the courts, the total number of warrants issued, arrests made, convictions secured and restitution obtained for fiscal year 1968 - 1969 is indicated by the following statistics:

Suspected fraud cases newly referred	56
No criminal charges filed by District Attorney, due to insufficient evidence	16
Restitution in the amount of \$673.00 obtained as a result of citation hearings (no criminal action taken)	1
Warrants issued	52
Total arrests made	16
Convictions - restitution ordered	12

Compromised under Sections 1377 and 1378 of Penal Code, restitu- tion obtained in the amount of \$213.00	1
---	---

Total restitution ordered by court	\$ 19,879.50
---------------------------------------	--------------

Dismissed by court	1
--------------------	---

Warrants cancelled (statutes had run or recalled by Department of Social Services)	13
--	----

Cases pending in court	0
------------------------	---

Warrants outstanding	47
----------------------	----

Cases requiring further inves- tigation before criminal charges may be filed	15
--	----

BUREAU OF FAMILY RELATIONS

This bureau investigates all complaints of a purported criminal nature arising within a family or quasi family situation.

Four staff members investigate these complaints, which include: failure to provide for minor children; failure to provide for indigent wives; battery; assault; wife beating; disturbing the peace; threats to do bodily harm; malicious mischief; mental illness; alcoholism; establishment of paternity upon the complaints of unwed mothers; denial of visiting rights to a parent where custody of child or children is under court order; various other types of domestic difficulties. Cases of mental illness or alcoholism are referred to San Francisco General Hospital, Psychopathic Division, for investigation.

Although not listed in a classification per se, there has been a noticeable increase of complaints on the use of narcotics within a family or quasi family situation. Referrals are made to agencies offering assistance with the problem of drug abuse. In many instances complaints are brought directly to the Narcotics Detail when information given to an investigator may be of significant interest to the Narcotics Bureau.

All alternative actions to solution of these domestic difficulties are examined prior to the issuance of any warrant. Citations are issued to determine whether the alleged crime has been committed. The limits of the law are defined to both the complainant and respondent. The necessity for issuance of a

criminal warrant is eliminated in most cases, thus settling the dispute, saving court costs and not adding to crowded court calendars. Referrals may be made to the many community agencies offering counseling service to those needing particular assistance.

This bureau invokes Section 270 of the California Penal Code (failure to provide for minor children, both legitimate and illegitimate). Every effort is made to secure voluntary support. Although 1,834 complaints of non-support were made, only 93 warrants for arrest were issued. There were 124 voluntary referrals made to the Adult Probation Department under Section 580(d) of the California Welfare and Institutions Code. The members of the staff were, in most cases, able to secure the cooperation of the fathers as a result of citation hearings.

A great deal of time and effort was exerted in searching for defendants who did not reside in this jurisdiction or in California, through the many sources available to this office. There is voluminous correspondence with the following agencies: California Bureau of Criminal Identification and Investigation; California Department of Employment; Armed Forces of the United States; unions; employers; District Attorneys in other jurisdictions.

There are occasions when it may be necessary for the complainant to seek civil remedy for non-support of a minor child or children. The complainant is then advised to file a complaint under the Uniform Reciprocal Enforcement of Support Act.

The Bureau of Family Relations processed the following

complaints during the fiscal year:

<u>Classification</u>	<u>Cases</u>
270 Penal Code (Non-Support of Minor Children)	1,834
270a Penal Code (Non-Support of Indigent Wife)	98
242 Penal Code (Battery)	1,667
415 Penal Code (Disturbing the Peace)	1,518
594 Penal Code (Malicious Mischief)	295
279 Penal Code (Denial of Visiting Rights)	144
273d Penal Code (Felony Wife Beating)	18
Mental Illness	170
Unwed	110
Drinking	803
Domestic Difficulties	1,943
Threats	538
Miscellaneous	798
	<hr/>
TOTAL:	9,936

During the year 2,562 citations were mailed; 1,613 hearings were held; and 2,655 referrals were made. Approximately 12,800 telephone inquiries regarding case status, specific complaints, and general information were handled by this bureau.

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION

It will be noted from this and our previous reports that we are processing more cases that are sent to us by the other states, as the "respondent state", than we are being requested to process on behalf of our Welfare Department, as "initiating state".

The recent change whereby our cases are being heard by the Court Commissioner has proven satisfactory and is now established as a permanent procedure. The judge of the Domestic Relations Court is only called upon in exceptional cases involving questions of law or the imposition of penalties for wilful violations.

The recent amendments to the Social Security Act by Congress has resulted in the necessity for our division to process paternity cases. In this regard, we have under a directive from the Department of Health, Education and Welfare entered into a plan with our Department of Social Services for us to receive a percentage of matching funds for the services rendered in this connection. The expected caseload in this connection has resulted in the necessity to increase the legal personnel who will be working under the supervision of the Assistant District Attorney presently in charge of this division.

The number of cases referred to us by the Adult Probation Officer continue to increase and it would appear from a recent report by the Mayor that a change in the handling of these cases is contemplated. If the recommendation is followed by the court and the responsibility for collection as well as enforcement is

assigned to our office, a further enlargement of the personnel of this division will be required.

The present head of this division strongly advocates that a survey be made regarding computerizing the handling of these cases. This mode of procedure is presently being successfully carried out in a number of the larger counties of this state. Sacramento County was the pioneer in the installation of computers.

The Commissioner on uniform laws has now completed a revised Act and they are requesting the states to enact the same as soon as possible.

The Assistant District Attorney in charge of this division has offered a number of suggestions that have been included therein.

The statistical data for this year is as follows:

UNIFORM RECIPROCAL SUPPORT CASES PROCESSED 1968 - 1969

<u>San Francisco Initiated</u>	<u>Avg. per Month</u>	<u>Other Jurisdic- tions Initiated San Francisco Responded</u>	<u>Avg. per Month</u>	<u>Total Cases Processed</u>	<u>Average all cases per month</u>
48	4	277	23.08	325	27.08

139.5 CIVIL CODE

77 defendants cited

The statistics for the Reciprocal Support Division with regard to support cases handled each month for the past five years averages out as follows:

1964-1965	34.68
1965-1966	35.50
1966-1967	27.75
1967-1968	27.42
1968-1969	27.08

DECREASE OR INCREASE OF NEW CASES 1968 - 1969

San Francisco Initiated

1967-1968 new cases . . .	60
1968-1969 new cases . . .	<u>48</u>
DECREASE	12

San Francisco Responded

1967-1968 new cases . . .	269
1968-1969 new cases . . .	<u>277</u>
INCREASE	8

Support orders entered 1968-1969	151
Support orders entered or modified	6
Interim orders re contempt (URESAs)	53
Miscellaneous orders	<u>8</u>
TOTAL	218

Average orders per month . . . 18.16

Support orders obtained by
other jurisdictions 25

Average orders per month . . . 2

Total orders prepared and entered for other jurisdictions . . 218

Total orders other jurisdictions sent to San Francisco. . . . 25

INCREASE/DECREASE OF ORDERS COMPARED 1967-1968 TO 1968-1969

1967-1968 Orders obtained by other jurisdictions for San Francisco	28	1967-1968 Orders obtained by San Francisco for other jurisdictions	211
1968-1969 Orders obtained by other jurisdictions for San Francisco	<u>25</u>	1968-1969 Orders obtained by San Francisco for other jurisdictions	<u>218</u>
DECREASE	3	INCREASE	7

INTERIM ORDERS UNDER 139.5 CC

MODIFIED INTERIM ORDERS

CHANGES OF VENUE FROM SAN FRANCISCO

13

CHANGES OF VENUE TO SAN FRANCISCO

9

SUPERIOR COURT BAIL BOND FORFEITURES

During the past fiscal year, there were 29 bail forfeitures ordered by the Superior Court which resulted in the following determinations:

<u>Summary Judgments</u>	<u>Collected</u>	<u>Amount</u>
18	28	\$ 37,026.00

One summary judgment was set aside on motion heard by the Municipal Court. Ten forfeitures were paid without the necessity of entering summary judgments.

DOCUMENTS

SEP 16 1970

SAN FRANCISCO
PUBLIC LIBRARY

ANNUAL REPORT

1969-70

JOHN JAY FERDON

DISTRICT ATTORNEY

CITY AND COUNTY



OF SAN FRANCISCO

ANNUAL REPORT TO MAYOR

Submitted by

JOHN JAY FERDON, DISTRICT ATTORNEY

July 1, 1969 - June 30, 1970

CONTENTS

COMPLAINT DIVISION	1
SUPERIOR COURT DIVISION	17
OBSCENITY PROSECUTIONS	22
BUSINESS INVESTIGATION SECTION	24
GRAND JURY	27
BUREAU OF INVESTIGATION	28
Psychopathic Division	28
Criminal Division	29
Aid to Families with Dependent Children Division	31
BUREAU OF FAMILY RELATIONS	34
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION	37

COMPLAINT DIVISION

Introduction

The Complaint Division has the multiple responsibilities of initiating all felony prosecutions, processing felony cases in the Municipal Court, prosecuting all misdemeanor cases, supervising and assisting the Police Department in the preparation of arrest and search warrants, and issuing citations prior to prosecution. Each of these functions will be treated in detail in the pages following.

Initiating Felony Prosecutions

Felony prosecutions in the Municipal Court are initiated either by the issuance of an arrest warrant on felony charges, or in the vast majority of felony cases, by issuing felony complaints following an evaluation of "no-warrant" felony arrests.

"No-warrant" felony arrests are those arrests made by police officers when they observe acts or obtain information which provide them with reasonable and probable cause to believe that a felony has been committed.

Following a "no-warrant" felony arrest, the case is further investigated by the Inspectors Bureau of the Police Department and then evaluated in conference by a representative of the Inspectors Bureau and an experienced senior Assistant District Attorney.

To assure a just and proper disposition of these cases, the reviewing Assistant District Attorney must possess a

thorough knowledge of the current Federal and State criminal and constitutional law. Both the Federal and State Appellate Courts, especially in recent years, continually review and reinterpret the laws of arrest, search and seizure, confessions and admissions, criminal identification and other areas of criminal law, requiring continued time and effort by all prosecuting attorneys to remain abreast of these developments.

After the evaluation of the "no-warrant" felony arrest, a decision is made to initiate a felony prosecution, initiate a prosecution on a less serious misdemeanor charge, or to discharge the arrested person. This decision must be made within 48 hours following the initial arrest.

In this fiscal year the Complaint Division handled 18,145 "no-warrant" felony cases. This was an increase of 264 cases (1.5%) over the 17,881 cases of the previous fiscal year.

A felony prosecution was initiated in 41.65% of these cases and a misdemeanor prosecution was initiated in 10.64%. In 47.71%, the evidence, taking into account constitutional as well as factual limitations, was insufficient for prosecution and the defendants were discharged.

The following table illustrates the types of offenses evaluated and the results of evaluation:

"NO WARRANT" ARRESTS 1969 - 1970

OFFENSE	TOTAL	FELONY PROSECUTION	MISDEMEANOR PROSECUTION	DISCHARGE
Narcotics	5,649	2,528	302	2,819
Burglary	1,657	974	227	456
Robbery	1,269	604	28	637
Theft Except Auto	3,698	894	438	2,366
Auto Theft	1,469	706	100	663
Check Fraud	481	255	45	181
Murder	86	67	3	16
Assault	2,006	912	567	527
Sex	366	184	16	166
Gambling	44	33	0	11
Weapons	452	96	141	215
Conspiracy	470	102	16	352
Miscellaneous	374	140	13	221
Driving Offenses	124	63	34	27
TOTALS	18,145	7,558	1,930	8,657

The inability by victims of crimes to identify potential defendants or allegedly stolen property and the unavailability of necessary witnesses were major factors resulting in the discharge of cases.

19

Felony Cases in Municipal Courts

Upon the filing of a felony complaint or the issuance of a felony arrest warrant and consequent arrest, the Municipal Court acquires jurisdiction over the case for the purpose of conducting a preliminary hearing before a Magistrate to determine whether there is reasonable and probable cause to require the defendant(s) to stand trial on the charge(s) in Superior Court.

Five Municipal Court departments concurrently conducted preliminary hearings during the fiscal year. An Assistant District Attorney was assigned to each department to prepare and present the necessary evidence and supporting legal authorities at these hearings. In four of these departments, the same Assistant District Attorney also prepared and presented evidence and legal authorities in misdemeanor cases where trial was held by the Court without jury. The fifth department, in addition to preliminary hearings, handles all felony arraignments, felony bail settings, and preliminary hearing assignments to the remaining four departments, and fugitives from justice from other states requiring the assignment of a second Assistant District Attorney.

During the fiscal year 1969-1970, 7,558 felony cases were filed in Municipal Court, an increase of 642 cases over the previous fiscal year.

During the preliminary hearing, the defense attorney may cross-examine prosecution witnesses and present evidence and legal authorities on behalf of the defendant which may require a re-evaluation of the case by the Assistant District Attorney or a dismissal of the case by the Magistrate. Dismissals in Municipal Court are routinely requested by the Assistant District Attorney, as well, where the case was presented to the Grand Jury prior to preliminary hearing.

During the reported fiscal year, 40.52% of the felony cases which were filed were held for trial in Superior Court, 5.87% were indicted, 27.90% were reduced to misdemeanor charges after re-evaluation, 18.05% were dismissed, and 7.66 are pending or were subject to other procedures such as certification to Superior Court for determination of the mental competency of the defendant to stand trial, or certification to Youth Guidance Authority where the defendant is under age, and the issuance of bench warrants for the arrest of defendants who did not appear.

The following table illustrates the types of offenses involved and the dispositions made:

FELONY CASES IN MUNICIPAL COURT 1969-1970

<u>OFFENSE</u>	<u>TOTAL</u>	<u>HELD</u>	<u>INDICTED</u>	<u>REDUCED</u>	<u>DISMISSED</u>	<u>PEND- ING</u>	<u>OTHER</u>
Narcotics	2,742	1,079	90	905	401	115	152
Burglary	1,091	587	83	272	97	13	39
Robbery	701	360	89	51	173	8	20
Theft (ex- cept auto)	1,020	324	26	371	231	27	41
Auto Theft	805	325	3	263	172	17	25
Check Fraud	463	143	0	193	83	21	23
Murder	91	22	56	1	9	0	3
Assault	1,070	409	64	259	255	28	55
Sex	276	132	42	15	57	21	9
Gambling	30	9	0	11	7	1	2
Weapons	130	50	5	38	29	3	5
Conspiracy	122	25	46	23	9	13	6
Misc.	128	50	8	16	45	2	7
Driving	79	30	1	32	11	3	2
TOTALS	8,748	3,545	513	2,450	1,579	272	389
Fugitives	103						

Misdemeanor Cases

Persons arrested, or cited in lieu of arrest, for misdemeanors committed in San Francisco appear in one of the four general departments of the Municipal Court where the disposition is determined by guilty plea, court trial, transfer to jury departments, or dismissal. Felony arrests resulting in misde-

meanor prosecutions are also subject to the exclusive jurisdiction of these Municipal Court departments. Two special departments hear and determine all vehicle and traffic offenses except where a jury is demanded; one traffic department handled related criminal offenses such as resisting arrest, disturbing the peace, etc.. Each of these six departments has an assigned Assistant District Attorney. From two to four additional departments hold jury trials and hear related matters; misdemeanor jury matters are treated separately in this report.

The four general departments of the Municipal Court handled 21,233 misdemeanor cases during the fiscal year 1969-70. The two special traffic departments handled 16,780 vehicle code and traffic cases. One traffic department handled 996 related criminal offenses. These figures include the cases transferred to jury departments.

The following table illustrates the types of offenses and statutory sections involved in general and traffic departments:

<u>TYPES OF OFFENSE</u>	<u>STATUTORY SECTION</u>	<u>NUMBER</u>
Narcotic and Drug	647(f) PC (drugs) 11721 H&S, 4230 B&P	2,277
Weapon Offenses	12025 PC, 12031 PC, 1291(b) MPC, 1290 MPC	1,247
Battery	242 PC	1,199
Disturbing the Peace	415 PC	1,127
Petty Theft	488 PC	2,745
Resisting Arrest	148 PC	1,257
Failure to Provide	270 PC	126
Under Influence of Alcohol/Drugs	647f PC	1,563
Driving Under In- fluence of Alcohol/Drugs	23102 VC	1,916
Gambling	330 PC	603
Prostitution	647(b) PC	1,841
Lewd Conduct and Obscenity	647(a) PC, 314 PC 315 PC	942
Misc. Criminal Violations	--	7,302
Serious Traffic Violations	14601 VC; 20002 VC; 23102 VC; 23103 VC; 23104 VC; 23106 VC	3,014
Other Traffic Offenses	--	<u>11,850</u>
TOTAL CASES HANDLED:		39,009

In addition, 18,805 common drunk arrests were made, requiring the preparation of a complaint in each case.

Jury Department

During the 1969-1970 fiscal year, misdemeanor jury trials were the responsibility of a maximum of five attorneys with an average of four attorneys available at any given time. During this period there were 5,497 misdemeanor jury demands.

To explain the following statistics, a group arrest of several defendants is counted as one case. If one trial resulted, a finding of guilty on one count is deemed a finding of guilty on all. If other charges are dismissed they are not counted as dismissals unless the dismissed charge resulted from a separate arrest.

Pleas of guilty or no contest were entered by 3,264 defendants. Jury trial was waived in 157 cases, 149 of which were then returned to the general courts; the remaining eight cases were tried by the court in the jury department but without jury; 131 defendants charged with minor traffic violations agreed to attend Traffic School after which their cases were dismissed; 195 defendants submitted their cases on the report of the arresting officers for determination and more than 80% were found guilty. In addition 21 cases were certified to the Youth Guidance Center due to the age of the defendants.

The jury department took 147 cases to trial, which resulted in 41 guilty verdicts, 43 acquittals and 37 hung juries. Of the remaining 26 cases, 25 defendants plead guilty during

the course of the trial and one defendant was dismissed during the course of the trial.

In 1,540 cases the District Attorney's Office moved for dismissal due to a guilty or no contest plea on another charge, the unavailability of witnesses, or in the interest of justice.

As of June 30, 1970, pending cases numbered 618.

The following list illustrates the type and approximate percentage of offenses for which juries were demanded:

Prostitution Offenses	22.8%
Drunk Driving	5.4%
Other Vehicular Offenses	11.3%
Sex Crimes	3.5%
Drug Offenses	5.9%
Battery	7.2%
Thefts	7.4%
Weapon Offenses	3.3%
Miscellaneous Offenses	33.2%

During the past two years the jury department has also had the responsibility of prosecuting the 447 individual defendants arrested in the mass arrest at San Francisco State College on January 23, 1969. An accurate reporting of the disposition of these cases requires a consolidated statement for both years. Jury verdicts were reached in 21 trials; in three other trials the jurors failed to agree. The bulk of these trials occurred during fiscal 1968-1969. The final dispositions

for all defendants were:

Guilty by verdict	110
Guilty pleas	41
Conviction on no contest pleas	<u>221</u>
TOTAL	<u>372</u>

Not guilty by verdict	51
Dismissed	<u>18</u>
TOTAL	<u>69</u>

Deceased	1
Failed to appear - Bench Warrant	<u>5</u>
TOTAL	<u>6</u>

GRAND TOTAL	<u>447</u>
-------------	------------

40.7% of these dispositions occurred during fiscal 1968-69 and 59.3% occurred during fiscal 1969-70.

Appellate Division

The Appellate Division of the office handles all appeals arising from misdemeanor convictions in the Municipal Court. Such appeals are taken to the three judge Appellate Department of the Superior Court and may be filed either by the defendant, or by the People in certain cases. The Appellate Division consists of one Assistant District Attorney who prepares and files motions, affidavits, briefs and various other pleadings. This

attorney makes regular appearances on Friday mornings before the Appellate Department of the Superior Court for oral argument on such matters.

The attorney assigned to appellate work also prepares pleadings and makes appearances in the Municipal Court in connection with demurrers and various pre-trial motions heard in Department No. 17, which is the Municipal Court Law and Motion Department. He prepares briefs in response to petitions in the Superior Court for various extraordinary writs and appears in the Law and Motion Department of the Superior Court for argument on such matters.

During the period between July 1, 1969 and June 30, 1970, ten appeals were taken by the People. This was twice as many as were taken for the same period the year before. Five of these were abandoned for various reasons. Of the remaining five, one judgment was affirmed, and the People won reversals on the other four.

During the same year period, a total of 166 appeals were filed by defendants with the following results:

<u>Affirmed</u>	<u>Reversed</u>	<u>Reversed & Remanded</u>	<u>Abandoned</u>	<u>Dismissed on Motion of D.A.</u>
29	5	2	14	115

One case involved a defendant's petition for permission of the Appellate Court to allow him to file a late notice of appeal. That petition was denied.

The figures for the 1969-1970 period indicate a substantial

increase in the number of appeals filed on behalf of defendants, which were subsequently dismissed on motion of the District Attorney either for lack of prosecution by the defendant or as frivolous appeals. The number of appeals which defendants prosecuted to completion is also larger for this year, 36 appeals as compared to 21 appeals completed last year.

Arrests and Search Warrants

Due to recent United States and California Supreme Court decisions, the preparation and issuance of arrest and search warrants has become an increasingly important function of the District Attorney's Office.

Stricter search and seizure rules have necessitated the police department's obtaining search warrants in many more cases.

In addition, considerable investigation by the Assistant District Attorney issuing a warrant precedes the filing of the specific factual declarations which are now a required part of both types of warrants.

In fiscal 1969-70, 1,920 arrest warrants were prepared. Figures for search warrants were not maintained.

Complaint Division Citations

An important function of the District Attorney's Office is the issuance of citation notices (not to be confused with citations issued by the police department as an alternative to

arrest.)

The party against whom a complaint has been made is mailed a notice directing his appearance in the District Attorney's Office at a specified time. At that time an informal hearing is conducted with all parties present.

Following the citation hearing, a warrant of arrest may issue or, more commonly, the matter is settled in this office.

In addition to complaints instigated by private citizens, many state and local agencies use the citation process to secure compliance with the law. City and County agencies include: Tax Collector; Fire Department; Department of Public Health; Department of Electricity; Department of Public Works; Building Inspector. State agencies include: Board of Equalization; Dept. of Industrial Relations; Dept. of Employment; Board of Medical Examiners; Dept. of Professional Standards; Dept. of Public Works; Board of Equalization.

During the fiscal year 1954, district attorney citations were issued.

Other functions

The complaint Division has voluminous communication with the general public which does not result in litigation of a criminal nature. Many persons with civil and criminal problems are referred to this office by the police department and by other public and private agencies. Every effort is made to

direct the inquiring citizen to the proper agency if his case is not within the geographical or statutory jurisdiction of this office.

Needless to say there are numerous incoming telephone calls; many of the problems presented require the legal opinion of an Assistant District Attorney.

Recapitulation-Municipal Court Responsibilities

Each morning before court an Assistant District Attorney reviews all police reports of incidents occurring within the preceding 24 hours. Arrest and citation reports are separated and felony arrest reports are referred to the senior Assistant responsible for evaluation. Misdemeanor arrests and citations are reviewed for accuracy of charges and appropriate complaints in the case of arrests are prepared. Additional traffic and common drunk complaints are also prepared.

Each Assistant District Attorney takes the misdemeanor complaints to his or her assigned court for filing. In court the defendants are arraigned and bail is set. Thereafter, pleas are entered and jury is demanded or waived and court trials set for hearing. Court trials and felony preliminary hearings are then conducted. The two Assistant District Attorneys assigned to the felony arraignment court follow a similar procedure when felony complaints have been prepared after conference and evaluation with the representative of the Police Department Inspector's Bureau.

One jury department sets trial dates for all matters referred for jury trial and another jury department hears all matters relating to the legality of the arrest, legality of the search and seizure and applicability or constitutionality of the statutory violation charged. All jury departments conduct trials.

A total of fourteen Assistant District Attorneys appear in these courts and three senior Assistants supervise those appearing in court and evaluate felony "no warrant" arrests. Misdemeanor appeals, special assignments (such as "red light abatement" and pornography) preparation of warrants, the holding of citation hearings, and correspondence require five or six additional Assistants in this Division.

Recapitulation: Statistics

	<u>1968-69</u>	<u>1969-70</u>
"No warrant" felony arrests	17,881	18,145
Felony cases in court	8,176	8,748
Misdemeanor cases in court	33,973	39,009
Misdemeanor jury demands	4,719	5,497
District Attorney's citations issued	3,865	1,954
Arrest Warrants Prepared	*	1,920

* No accurate figures available. Statistics for prior years were obtained from the Central Warrant Bureau of the Police Department and include bench warrants issued for failure by defendants to appear when scheduled.

SUPERIOR COURT DIVISION

The Criminal Division of the Superior Court has trial jurisdiction of all felony cases in the County of San Francisco. One Superior Court at the Hall of Justice is occupied solely with processing the master calendar. This Court hears the arraignment, plea, discovery, and other pre-trial proceedings of each case. Three attorneys are assigned to the preparation and calling of this calendar, which often has 150 separate cases to be called. Following all pre-trial procedures and settlement procedures in the master calendar court the cases are assigned to another Department of the Superior Court for trial. Three such courts sit at the Hall of Justice on a regular basis and additional Superior Courts are used for these trials at the City Hall. Because of the tremendous backlog of custody cases, assignments to the City Hall for trial of criminal cases greatly increased during the fiscal year 1969 - 1970. We are now presenting cases in two City Hall courts each week in addition to the three trial courts at the Hall of Justice.

Filings in the Criminal Division of the Superior Court consist not only of criminal matters for trial but also certifications from the Municipal Court for determination of sanity of a defendant, petitions for writs of habeas corpus, commitments as mentally disordered sex offenders, and petitions for determination of whether or not a defendant is addicted to the use of narcotics.

The master calendar system was instituted by the San Francisco Superior Court on November 3, 1969. This necessitated the change of methods of record keeping by this office

to reflect filings and dispositions in one court rather than four, as previously was the practice. This year's report, therefore, combined the two systems to effect the changeover in records.

During the fiscal year July 1, 1969 to June 30, 1970, there were 2,831 case filings in the Superior Court Division, consisting of both informations and indictments. There were 3,356 individual defendants involved, the disparity resulting from the numerous cases involving more than one defendant.

During this fiscal period this Division disposed of cases involving a total of 2,347 individual defendants by trial, pleas of guilty and the other enumerated legal proceedings. 87% of these defendants who proceeded to trial were convicted. New filings by individual defendants exceeded by 1,000 the number of previous defendants completely processed during that same period.

Not only were there a greater number of filings during the last fiscal period, but there was a great increase in the number of demands by those in custody for trial within the statutory period of sixty days. This required the master calendar Judge to request the additional Superior Courts at the City Hall to give preference to the trial of criminal cases over civil matters and forced this office to assume a sixty-five percent heavier trial burden within a period of eight months. With the addition of only two attorneys to the staff of the Superior Court Division this increased work load has been maintained with difficulty since the advent of the master calendar system.

The complexity of legal defenses available by court decision has increased the average length of time required in the prosecution of each felony case. Pre-trial motions for "discovery" and "suppression of evidence" have also greatly increased. Written briefs, memoranda, and criminal records required in these matters have multiplied as a natural result of this increase placing a greater burden on the secretarial staff as well.

There are fifteen lawyers presently assigned to the regular trial of felony cases in the Superior Court Division and the handling of the master calendar. Two of these lawyers combine with trial of cases the duty of administration of trial assignments to the various criminal courts at the Hall of Justice and the City Hall.

Superior Court Calendar Problems

In October, 1969, the Superior Court instituted a Master Calendar system for controlling felony cases. At the same time, the Federal Court, after twenty years experience with a Master Calendar, abandoned it as unsatisfactory.

Since the Master Calendar has been in use, the problems have increased rather than decreased. Each day the Master Calendar Court carries up to 150 cases for assignment, preliminary pleas, motions and miscellaneous hearings. This case load over-burdens the single judge assigned and requires two and sometimes three Assistant District Attorneys to present the cases. This method of assigning cases for trial does not permit the assignment of cases in this office to individual Assistants for preparation prior to trial. An Assistant is assigned two or three cases to prepare at one time, each of which is set for trial within two or three days. Experience

has shown that one or two of these defendants will enter pleas of guilty at this stage, and the District Attorney must then proceed with his "backup" case in order not to lose a court day. In many instances, these cases cannot be properly prepared in this short time because there is no way of assuring a particular Assistant will be available when a particular case must go to trial. It is almost impossible to have effective prior case assignments. It must be pointed out that the District Attorney cannot control the dates that cases are assigned for trial. Another disadvantage of the Master Calendar system is that all of the cases are assigned to one department before they are sent out for trial. The attorney receiving a case for trial normally has no prior knowledge of the persons involved, the previous hearings or legal motions already ruled on by the court; nor does he have any familiarity with the facts of the case.

Under the former system each court maintained its own calendar. Assistant District Attorneys assigned to the individual courts were completely familiar with all facets of each case pending in court; and were more fully prepared for trial at any time. It was easier to work out trial dates and much easier to negotiate pleas. It is the recommendation of this office that the Master Calendar system be modified, or abandoned, to allow each Superior Court to control its own calendar.

In connection with the calendar problem, there has been a continuing courtroom space problem. This office has been trying cases at the City Hall without having any adequate

facility there for the attorneys. There are no facilities at City Hall for properly safeguarding the participants in trials where defendants are in custody. This office has recommended to the Presiding Judge of the Municipal Court and to the Presiding Judge of the Superior Court that the two Municipal Courts in the Hall of Justice, which are presently used for misdemeanor jury trials, be used instead for felony custody jury trials. The misdemeanor jury trials could then be held at the City Hall in the courts vacated by the Superior Court judges. There would be little inconvenience if this were done inasmuch as defendants in misdemeanor jury cases are almost always on bail and obviously are not charged with such serious crimes. The request for this simple change has been ignored.

OBSCENITY PROSECUTIONS

The current year began with the District Attorney being summoned into Federal Court to reply to numerous petitions filed there seeking to prevent the prosecution from obtaining vital evidence needed in pornography trials. The number of federal suits increased during the year until May of 1970 when the United States Ninth Circuit Court of Appeals affirmed orders of the District Court requiring the prosecution to return previously seized pornographic film to the exhibitors. These appearances are time consuming and legally complicated. The massive return of evidence ordered by the federal courts effectively eliminated the basic evidence needed for trial in numerous pending cases against large theater operators. This resulted in an expansion of the number of theaters showing pornographic motion pictures. More recent decisions of the United States Supreme Court have broadened the scope of erotic material which can legally be distributed. Those decisions resulted in the dismissal of numerous cases in San Francisco involving erotic photo magazines including one case wherein the defendant had already been found guilty.

Under current court procedures it now requires one day's time of one Assistant District Attorney drawing pleadings and assembling evidence and affidavits for the seizure of one obscene motion picture film. This procedure requires appearances

before both the Municipal Court and the Superior Court to obtain temporary restraining orders to insure the availability of the film in question when a search warrant is finally issued. Thereafter, adversary hearing requiring one-half day of an attorney's time are required in each case. After the seizure of the film, the defendant has numerous pretrial motions and hearings available which he invariably uses. These new procedures are to be contrasted with the former search warrant procedure which required only ten to fifteen minutes of an attorney's time to review the proposed affidavit. Also, the current procedure requires a half day of typing by a legal secretary to amass all the information needed to substantiate the initial application for a search warrant and restraining order.

Currently it requires seven to ten days of court time to conduct a pornography trial. Formerly, most defendants pled guilty without trial; however, given the uncertainty created by appellate court decisions in the last five years, a defendant does well to contest the charge and hope for an acquittal, a hung jury or relief on appeal if found guilty. The longest pornography trial during the year required three full weeks of jury time, the shortest, before a court, without a jury, required one full day.

BUSINESS INVESTIGATION SECTION

During the past fiscal year this Section investigated and prosecuted the following types of offenses: Embezzlements, Thefts by False Pretenses, Corporation Security Violations, Forgeries, Credit Card Violations, State Tax Violations and other related criminal activities.

Investigations are initiated by complaints from citizens and from Federal, State and City and County agencies. The first step in investigation is an interview with the complainant or with an investigator from a governmental agency. This is followed by securing of further evidence, if needed, and interviews with all persons who may be witnesses. A Warrant is issued if it is determined there are sufficient grounds for a criminal charge.

In some cases, however, a hearing is held at the office of the District Attorney, at which time all interested parties are invited to appear.

If no further investigation is required, a warrant may be issued or the matter may be dismissed, depending upon the disclosed circumstances. This procedure of investigation and hearing may take from one day to many months, depending upon the intricacies of the case.

Following arrest for a felony, the defendant is held to answer for trial either through a preliminary hearing or by indictment.

Below are the résumés of some of the more important cases of the past year:

People vs. Boyd

This case involved a bookkeeper who, within three weeks after her employment, embezzled \$4,000.00 by illegally making checks payable to herself. The defendant was on parole at the time she committed the theft and was sentenced to State Prison after her plea of guilty.

People vs. Luick

The defendant obtained approximately \$20,000.00 from various individuals upon the false representation that he would invest it in the gold market. The defendant, having two prior convictions for the same violations, was sentenced to the State Prison.

People vs. Ross

This case involved the defendant's obtaining \$10,000.00 by falsely representing that the money would be used to buy autos which would then be resold at a profit. To substantiate his representations the defendant used fictitious purchase orders. Upon the defendant's plea of guilty, he was sentenced to State Prison, having previously been convicted of four similar felonies.

People vs. Jeffreys

The defendant was employed as an insurance claims adjustor with authority to settle and pay claims. During a five-year period she embezzled over \$200,000.00 by making drafts to fictitious persons which she then deposited into her own bank account. The defendant is presently awaiting sentence.

In addition to criminal prosecution, this Section has continued to obtain injunctive relief in cases involving false

advertising and unlawful business practices. The prosecution of these matters initially requires the securing of a temporary restraining order, followed by the obtaining of a preliminary injunction and ultimately a permanent injunction. These actions can result not only in stopping illegal business practices, but in the county's receiving up to \$2,500.00 for each violation.

During the past year this Section has also become involved in securing more effective protection for the consumer. This has included, in addition to obtaining injunctive relief, participation in the newly created Consumer Protection Coordinating Committee.

GRAND JURY

One important function of the District Attorney is to act as legal advisor to the Grand Jury in all criminal matters. He is responsible for the presentation of evidence in felony cases where an indictment is sought. Witnesses are called and cases are presented each Monday evening. When indictments are voted they are formally presented to the Presiding Judge of the Superior Court on the following Thursday morning.

During the fiscal year 564 witnesses were called to testify before the Grand Jury. A total of 164 indictments were returned involving 240 defendants.

BUREAU OF INVESTIGATION

This bureau of ten, headed by the Chief Investigator, has one Psychiatric Investigator, six investigators assigned to the Criminal Division, and three in the division handling Aid to Families with Dependent Children.

Psycopathic Division

The primary functions of the Psycopathic Division of the District Attorney's office are as follows:

- (1) Investigation of alleged mentally ill and intemperate person, as well as those addicted to narcotics or habit-forming drugs.
- (2) When warranted, the filing of petitions with the Health Department requesting that such persons be given psychiatric examinations and treatment.
- (3) To interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, alcoholism and narcotic addiction.

In general, the Psychopathic Division serves as a clearing-house for information regarding mental illness, deficiency, alcoholism, drug and narcotic addiction. Direct referrals are received from practically all the local public and private agencies dealing with social problems, and numerous interviews are held with private citizens regarding their relevant problems. Home visits are made; background information on cases in progress is gathered.

Complaints are investigated by a certified psychologist employed by this office and regularly assigned to all such cases. Whenever advisable, a member of the legal staff is also assigned. Where reasonable and probable cause exists, and where no relatives or other interested parties are located or willing to assume the responsibility, this office files a petition with the Health Department requesting a psychiatric examination of said person.

During the fiscal year ending June 30, 1970, the Psychopathic Division was directly concerned with 347 investigations:

	<u>1969 - 1970</u>	<u>1968 - 1969</u>
Mental Illness	201	345
Narcotics and Drugs	132	7
Intemperance	<u>14</u>	<u>2</u>
	347	354

In addition, the Psychopathic Division conducted numerous investigations during the fiscal year which resulted in the locating of relatives or other interested persons who were willing and able to assume responsibility for the patient and arrange private hospitalization or psychiatric care without the necessity of court proceedings. Many other complaints were found upon investigation to be without merit, and legal action was unnecessary.

Criminal Division

The Criminal Investigators assist the legal staff in preparation of cases for court by securing evidence, interviewing witnesses, obtaining offense reports and criminal records of the accused, and serving subpoenas for the attendance

of witnesses for trials in the Superior and Municipal Courts. One Criminal Investigator is assigned to the Business Investigation Section to assist the Assistant District Attorney in conducting investigations.

Other duties are the service of all Uniform Reciprocal Support Orders and the conducting of various inquiries requested by the legal staff.

Section 4852.01 of the California Penal Code provides for the granting of Certificates of Rehabilitation and Pardon by the Governor. An investigation of each applicant is conducted by the District Attorney to determine eligibility. Such investigative reports, in affidavit form, are subsequently presented to the Superior Court for its determination.

Following is a brief summary of the major activities of the Criminal Division of the Bureau of Investigation for the fiscal year 1968 - 1969:

Reports and criminal records obtained	3,783
Subpoenas served	287
Interviews held	174
Reciprocal Support Orders served	60
Certificates of Rehabilitation processed	25
Direct assistance in preparation of criminal cases for trial	273
Investigation of applicants as bail solicitors or bail bondsman	21
Inquiries into demands made pursuant to Section 1381 Penal Code	98

Aid to Families with Dependent Children Division

Since the enactment of Section 1552.4 (now Section 11475) of the Welfare and Institutions Code in 1951, the Department of Social Services and the Youth Guidance Center have referred 42,874 cases to the District Attorney for investigation.

This office does not determine the eligibility of applicants for aid; such determination is made exclusively by the Department of Social Services. The principal functions of the AFDC investigators are:

1. Finding the absent parents to enforce legal support obligations.
2. Instituting proper criminal action against those who have fraudulently received aid.

During the fiscal year 1969 - 1970

1,869	New AFDC cases referred.
321	Inactive cases reopened.
<u>3,521</u>	Active cases held over from last year.
5,711	Total active case load.
<u>3,321</u>	Cases closed
2,390	Active cases as of July 1, 1970.

Approximately 4,027 interviews were held regarding the above cases.

The following were the reasons for closing 3,321 cases:

The impossibility of establishing paternity.

Uniform Reciprocal Support Action by this office, whereby an order was obtained for support from a responsible parent residing outside of California

Convictions under Section 270 of the Penal Code, resulting in sentences of probation or incarceration.

The complainant left this jurisdiction.

The Adult Probation Department took over supervision of the absent parent on voluntary probation (Section 580 (d) of the Welfare and Institutions Code) or per Section 4702 of the Civil Code.

The defendant was located by this office and a support agreement reached for payment either to the recipient or the Department of Social Services.

It is estimated that the AFDC investigators effected savings to the taxpayers in the amount of \$418,236.

Paternity

The increase in illegitimacy is a contributing factor to the increase of welfare disbursements. Establishing paternity of these children is difficult, but AFDC investigators endeavor to have the natural fathers voluntarily acknowledge paternity through written statements, and then arrange support payments commensurate with the individuals' incomes. During this fiscal year, 130 such statements were obtained by the investigators.

Investigations for Other Jurisdictions

Another duty of the AFDC investigators is locating and interviewing absent parents, verifying wages, securing voluntary paternity acknowledgments and other data for other jurisdictions. Approximately 139 such requests were received and processed during this year.

Welfare Fraud

Fraud is the general term applied to those cases in which there are reasonable grounds to believe that a welfare recipient has received aid as a result of wilfully and knowingly making

false statements or failing to disclose a material fact, in order to obtain such aid.

Such cases are either initially detected and investigated by the AFDC investigators of this office or are referred to this office for additional investigation and analysis by the Department of Social Services.

The 1969 State Supreme Court ruling in People vs. Gilbert holds that where a person has fraudulently obtained unauthorized assistance from the Aid to Families with Dependent Children program, prosecution must be conducted under Section 11482 Welfare & Institutions Code (Fraudulent representation or nondisclosure as to aid), a misdemeanor. The court held that prosecution under Section 487 Penal Code (Grand Theft), a felony, was improper. This office was obliged to cancel all of the outstanding felony warrants falling within this category.

All subsequent misdemeanor citations and complaints initiated by the Department of Social Services are heard by them in the same manner as those of other state and local agencies.

BUREAU OF FAMILY RELATIONS

This bureau investigates all complaints of a purported criminal nature arising within a family or quasi-family situation.

Four staff members investigate these complaints, which include: failure to provide for minor children; failure to provide for indigent wives; battery; assault; wife beating; disturbing the peace; threats to do bodily harm; malicious mischief; mental illness; alcoholism; establishment of paternity upon the complaints of unwed mothers; denial of visiting rights to a parent where custody of child or children is under court order; various other types of domestic difficulties. Cases of mental illness or alcoholism are referred to San Francisco General Hospital, Psychopathic Division, for investigation.

Effective July 1, 1970, added to the list of complaints is Section 653(m) of the California Penal Code (making annoying telephone communications). Many complainants have stated that as a result of such telephone calls to their place of employment, they have been discharged by their employer.

Although not listed in a classification per se, there has been a noticeable increase of complaints on the use of narcotics within a family or quasi-family situation. Referrals are made to agencies offering assistance with the problem of drug abuse. In many instances complaints are brought directly to the Narcotics Detail when information given to an investigator may be of significant interest to the Narcotics Bureau.

All alternative actions to solution of these domestic difficulties are examined prior to the issuance of any warrant.

District Attorney Citations are issued to determine whether the alleged crime has been committed. The limits of the law are defined to both the complainant and respondent. The necessity for issuance of a criminal warrant is eliminated in most cases to the satisfaction of all concerned, thus settling the dispute, saving court costs and not adding to crowded court calendars. Referrals may be made to the many community agencies offering counseling service to those needing particular assistance.

This bureau invokes Section 270 of the California Penal Code (failure to provide for minor children, both legitimate and illegitimate). Every effort is made to secure voluntary support. Although 1,712 complaints of non-support were made, only 61 warrants for arrest were issued. There were 95 voluntary referrals made to the Adult Probation Department under Section 580(d) of the California Welfare and Institutions Code. The members of the staff were, in most cases, able to secure the cooperation of the fathers as a result of citation hearings.

A great deal of time and effort was exerted in searching for defendants who did not reside in this jurisdiction or in California, through the many sources available to this office. There is voluminous correspondence with the following agencies; California Bureau of Criminal Identification and Investigation; California Department of Employment; Armed Forces of the United States; unions; employers; District Attorneys in other jurisdictions.

There are occasions when it may be necessary for the complainant to seek civil remedy for non-support of a minor child or children. The complainant is then advised to seek the

services of an attorney and to pursue to file a complaint under the Uniform Reciprocal Enforcement of Support Act.

The Bureau of Family Relations processed the following complaints during the fiscal year:

<u>Classification</u>	<u>Cases</u>
270 Penal Code (Non-Support of Minor Children)	1,712
270(a) Penal Code (Non-Support of Indigent Wife)	67
242 Penal Code (Battery)	1,817
415 Penal Code (Disturbing the Peace)	1,602
594 Penal Code (Malicious Mischief)	355
279 Penal Code (Denial of Visiting Rights)	146
273(d) Penal Code (Felony Wife Beating)	40
Mental Illness	145
Unwed	128
Drinking	924
Domestic Difficulties	1,648
Threats	582
Miscellaneous	1,068
	<hr/>
TOTAL:	10,234

During the year 2,459 citations were mailed; 1,615 hearings were held; and 2,502 referrals were made. Approximately 12,900 telephone inquiries regarding case status, specific complaints, and general information were handled by this bureau.

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION

It presently appears that there has been a definite increase in the case load of this division during the present fiscal year.

Notwithstanding the fact that the San Francisco Neighborhood Legal Assistance Foundation and the Legal Aid office have been processing cases for mothers who are not on Welfare, we have had an increase of the number of these cases that we have been called upon to process.

During the past year there have been a number of changes in the Domestic Relations Department of the Superior Court, which has handicapped this office when there was no judge definitely assigned to handle the work of that court. Recently, the judge who normally presides over the Domestic Relations Department has assigned a Court Commissioner to handle the calendar and we are now presenting cases before the Commissioner.

Under a directive from the Department of Health, Education and Welfare, we have been called upon to process paternity cases. Nineteen of these cases have been filed and a portion of these will result in default judgments. In the remaining cases court trials will be required in order to obtain a judicial determination on the question of paternity. This assignment has increased the case load. Additional help will be required to properly present these matters.

The Commissioners on Uniform Laws have prepared and submitted to the respective states some necessary amendments to the Reciprocal Support Act, which should be adopted. Although a number of the other states have already done so, our State Legislature has not as yet acted.

Commensurate with the increase of the staff of the Adult Probation Department is the increase in the number of referrals to this division for follow-up on cases referred to them by the court.

On the basis of the increase in the case load, consideration should be given to computerizing the handling of these cases. This mode of procedure is presently being successfully carried out in a number of the larger counties of this state. For example, Sacramento District Attorney's office, where statistics indicate that the income from these cases has tripled since the computer system was put into effect by that county.

The statistical data for this year is as follows:

UNIFORM RECIPROCAL SUPPORT CASES PROCESSED IN FISCAL YEAR 1969-1970

Other Jurisdictions Initiated				Total Cases Processed	Average All Cases per Month
San Francisco Initiated	Av.per Month	San Francisco Responded	Av. per Month		
59	4.9	300	25	359	29.91

4702 CIVIL CODE
(formerly 139.5)

113 Defendants Cited

The statistics for the Reciprocal Support Division with regard to support cases handled each month for the past five years averages out as follows:

1965-1966.	. . . . .	35.50
1966-1967.	. . . . .	27.75
1967-1968.	. . . . .	27.42
1968-1969.	. . . . .	27.08
1969-1970.	. . . . .	29.91

DECREASE OR INCREASE OF NEW CASES 1969-1970

<u>San Francisco Initiated</u>		<u>San Francisco Responded</u>	
1968-1969 - New Cases	. . . 48	1968-1969 - New Cases	. . . 277
1969-1970 - New Cases	. . . 59	1969-1970 - New Cases	. . . 300
INCREASE	. . . 11	INCREASE	. . . 23

SUPPORT ORDERS ENTERED 1969-1970.	135
SUPPORT ORDERS ENTERED OR MODIFIED.	5
INTERIM ORDERS RE CONTEMPT (URESА).	54
MISCELLANEOUS ORDERS.	8
TOTAL.	202

AVERAGE ORDERS PER MONTH (URESА). 16.81

SUPPORT ORDERS OBTAINED BY OTHER JURISDICTIONS. 28

AVERAGE ORDERS PER MONTH. 2.33

TOTAL ORDERS PREPARED AND ENTERED FOR OTHER JURISDICTIONS . . 202

TOTAL ORDERS OTHER JURISDICTIONS SENT TO SAN FRANCISCO. . . . 28

INCREASE/DECREASE OF ORDERS COMPARED 1968-1969 TO 1969-1970

1968-1969 Orders Obtained by other Juris. for San Francisco . . .	25
1969-1970 Orders Obtained by other Juris. for San Francisco . . .	28
INCREASE.	3

1968-1969 Orders Obtained by San Francisco for other Juris. . . .	218
1969-1970 Orders Obtained by San Francisco for other Juris. . . .	202
DECREASE.	16

* * * * *

INTERIM ORDERS UNDER 4702 CC

56

MODIFIED INTERIM ORDERS

7

CHANGES OF VENUE FROM SAN FRANCISCO

18

CHANGES OF VENUE TO SAN FRANCISCO

12

SUPERIOR COURT BAIL BOND FORFEITURES

During the past fiscal year there were 55 bail bond forfeitures ordered by the Superior Court, which resulted in the following determinations:

<u>SUMMARY JUDGMENTS</u>	<u>COLLECTED</u>	<u>AMOUNT</u>
55	.44	\$127,325.00

Three summary judgments were set aside on motions presented to the Superior Court.

ANNUAL REPORT TO MAYOR

Submitted by

JOHN JAY FERDON, DISTRICT ATTORNEY

July 1, 1970 - June 30, 1971

CONTENTS

MUNICIPAL COURT DIVISION	1
SUPERIOR COURT DIVISION	15
OBSCENITY PROSECUTIONS	18
BUSINESS INVESTIGATION SECTION	20
GRAND JURY	23
BUREAU OF INVESTIGATION	24
Psychiatric Division	24
Criminal Division	26
Aid to Families with Dependent Children Division	27
BUREAU OF FAMILY RELATIONS	30
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION	34

MUNICIPAL COURT

Introduction

The Municipal Court Division has the multiple responsibilities of initiating all felony prosecutions, processing felony cases in the Municipal Court, prosecuting all misdemeanor cases, supervising and assisting the Police Department in the preparation of arrest and search warrants, and issuing District Attorney complaint citations prior to prosecution. Each of these functions will be treated in detail in the pages following.

Initiating Felony Prosecutions

Felony prosecutions in the Municipal Court are initiated either by the issuance of an arrest warrant on felony charges, or in the vast majority of felony cases, by issuing felony complaints following an evaluation of "no-warrant" felony arrests.

"No-warrant" felony arrests are those arrests made by police officers when they observe acts or obtain information which provide them with reasonable and probable cause to believe that a felony has been committed.

Following a "no-warrant" felony arrest, the case is further investigated by the Inspectors Bureau of the Police Department and then evaluated in conference by a representative of the Inspectors Bureau and an experienced senior Assistant District Attorney.

To assure a just and proper disposition of these cases, the reviewing Assistant District Attorney must possess a thorough knowledge of the current Federal and State criminal and constitutional law. Both the Federal and State Appellate

Courts, especially in recent years, continually review and re-interpret the laws of arrest, search and seizure, confessions and admissions, criminal identification and other areas of criminal law, requiring continued time and effort by all prosecuting attorneys to remain abreast of these developments.

After the evaluation of the "no-warrant" felony arrest, a decision is made to initiate a felony prosecution, initiate a prosecution on a less serious misdemeanor charge, or to discharge the arrested person. This decision must be made within two days following the initial arrest.

In this fiscal year, the Complaint Division handled 18,308 "no-warrant" felony cases. This was an increase of 163 cases over the 18,145 cases of the previous fiscal year.

A felony prosecution was initiated in 42.6% of these cases, and a misdemeanor prosecution was initiated in 12.85%. In 44.55% of the cases, the evidence, taking into account constitutional as well as factual limitations, was insufficient for prosecution and the defendants were discharged.

The following table illustrates the types of offenses evaluated and the results of evaluation:

"NO-WARRANT" ARRESTS 1970-1971

OFFENSE	TOTAL	FELONY PROSECUTION	REBOOKED AS OTHER OFFENSE	MISDEMEANOR PROSECUTION	DISCHARGE
<u>Narcotics</u>	5,805				
11910 H&S		502	0	96	794
11500 H&S		376	0	8	505
11530 H&S		1,031	0	419	861
Other Narcotic Offenses		860	0	6	347
<u>Murder</u>	64	44	2	1	17
<u>Weapons</u>	457	147	123	17	170
<u>Sex</u>	374	231	11	1	131
<u>Conspiracy</u>	571	48	23	17	483
<u>Driving Offenses</u>	134	56	33	6	39
<u>Gambling</u>	68	54	1	3	10
<u>Checks</u>	508	257	55	10	186
<u>Theft</u>	3,527	974	258	100	2,195
<u>Assault</u>	2,011	702	483	179	647
<u>Burglary</u>	1,731	1,034	215	16	466
<u>Robbery</u>	1,345	742	81	1	521
<u>Auto Theft</u>	1,100	517	65	17	501
<u>All Other Felonies</u>	613	224	88	18	283
TOTALS	18,308	7,799	1,438	915	8,156

The inability by victims of crimes to identify potential defendants or allegedly stolen property, and the unavailability of necessary witnesses were major factors resulting in the discharge of cases.

Felony Cases in Municipal Courts

Upon the filing of a felony complaint or the issuance of a felony arrest warrant and consequent arrest, the Municipal Court acquires jurisdiction over the case for the purpose of conducting a preliminary hearing before a Magistrate to determine whether there is reasonable and probable cause to require the defendant to stand trial on the charge in Superior Court.

Five Municipal Court departments concurrently conducted preliminary hearings during the fiscal year. An Assistant District Attorney was assigned to each department to prepare and present the necessary evidence and supporting legal authorities at these hearings. In four of these departments, the same Assistant District Attorney also prepared and presented evidence and legal authorities in misdemeanor cases where trial was held by the Court without jury. The fifth department, in addition to preliminary hearings, handles all felony arraignments, felony bail settings, preliminary hearing assignments to the remaining four departments and fugitives from justice from other states. The work of this Court requires the assignment of a second Assistant District Attorney.

During the fiscal year 1970-1971, 8,729 felony cases were filed in Municipal Court.

During the preliminary hearing, the defense attorney may cross-examine prosecution witnesses and present evidence and legal authorities on behalf of the defendant which may require a reevaluation of the case by the Assistant District Attorney or a dismissal of the case by the Magistrate. Dismissals in

Municipal Court are routinely requested by the Assistant District Attorney where the cases were presented to the Grand Jury prior to preliminary hearing.

During the reported fiscal year, 42% of the felony cases which were filed were held for trial in Superior Court, 4.4% were indicted, 29.1% plead guilty to misdemeanor charges, 21.2% were discharged, and 3.30% are pending or were subject to other procedures, such as certification to Superior Court for determination of the mental competency of the defendant to stand trial, or certification to Youth Guidance Authority where the defendant is under age, and the issuance of bench warrants for the arrest of defendants who did not appear.

The following table illustrates the types of offenses involved and the dispositions made:

FELONY CASES IN MUNICIPAL COURT 1970-1971

<u>OFFENSE</u>	<u>HELD</u>	<u>REDUCED</u>	<u>DISMISSED</u>	<u>INDICTED</u>	<u>PENDING</u>	<u>OTHER</u>	<u>TOTAL</u>
<u>Narcotics</u>							
11500 H&S	288	17	94	19	14	4	436
11530 H&S	235	477	221	13	7	10	963
11910 H&S	150	202	143	2	6	2	505
Other Narcotic Offenses	500	93	139	65	38	3	838
<u>Murder</u>	31	5	20	13	1	0	70
<u>Weapons</u>	77	44	50	10	2	1	184
<u>Sex</u>	199	11	56	29	14	0	309
<u>Conspiracy</u>	23	8	16	8	11	0	66
<u>Driving Offenses</u>	23	32	11	0	1	0	67
<u>Gambling</u>	16	13	9	1	0	0	39
<u>Checks</u>	79	198	56	4	16	2	355
<u>Theft</u>	327	522	242	20	26	6	1,143
<u>Assault</u>	389	189	255	47	24	10	914
<u>Burglary</u>	553	341	128	12	19	20	1,073
<u>Robbery</u>	486	66	226	105	7	13	903
<u>Auto Theft</u>	176	215	118	7	23	5	544
<u>All Other Felonies</u>	104	108	66	29	10	3	320
TOTALS	3,656	2,541	1,850	384	219	79	8,729

Fugitives - 99

Misdemeanor Cases

During the fiscal year, the Departments of the Municipal Court assigned to hearing criminal and traffic matters handled the cases

of 114,143 persons accused of violations of such laws, exclusive of parking violations. The following charts and text will set forth the participation of the District Attorney's staff in the prosecution of these many matters.

Persons arrested or cited in lieu of arrest for misdemeanors committed in San Francisco appear in one of the four general Departments of the Municipal Court where the disposition is determined by guilty plea, court trial, transfer to jury departments, or dismissals. Felony arrests resulting in misdemeanor prosecutions are also subject to the exclusive jurisdiction of these Municipal Court Departments. Two special departments hear and determine all vehicle and traffic offenses except where a jury is demanded; and one traffic department handles related criminal offenses such as resisting arrest and disturbing the peace. Each of these six departments has an assigned Assistant District Attorney.

Seven additional departments hold jury trials and hear related matters; and misdemeanor jury matters are treated separately in this report.

The four general Departments of the Municipal Court handled 24,050 misdemeanor cases during the fiscal year 1970-1971.

The following table illustrates the types of offenses and statutory sections involved in general and traffic departments:

Misdemeanor Dispositions

Municipal Courts 9, 10, 11, 12, 14 (Partially)

<u>Misdemeanors</u>	<u>Guilty</u>	<u>Not Guilty or Dismissed</u>	<u>Off Calendar</u>	<u>Nolo</u>	<u>Total</u>
148 PC	444	558	153	0	1,155
242 PC	234	378	102	3	717
270	42	9	0	0	51
415	452	513	93	0	1,058
488	1,494	495	411	3	2,403
647b PC	588	150	216	3	957
647f	1,164	732	99	9	2,004

Narcotics

11530 H&S(Misd.)	150	63	18	0	231
11910 H&S "	57	36	6	0	99
Other narcotics incl. 4143, 647f (drug), 4230	582	438	207	0	1,227

Vehicle

14601	48	57	27	0	132
23102	1,398	48	123	33	1,602
20002	54	135	27	6	222
22350	66	279	39	0	384

Other traffic misdemeanors	939	1,554	459	21	2,973
-------------------------------	-----	-------	-----	----	-------

<u>Weapons</u>	471	462	180	0	1,113
----------------	-----	-----	-----	---	-------

<u>Gambling</u>	150	144	39	0	333
-----------------	-----	-----	----	---	-----

<u>Lewd & Obscene</u>	174	450	126	3	753
---------------------------	-----	-----	-----	---	-----

Other misdemeanors	<u>4,392</u>	<u>1,659</u>	<u>555</u>	<u>30</u>	<u>6,636</u>
-----------------------	--------------	--------------	------------	-----------	--------------

Nolo	12,899 + <u>111</u>	8,160	2,880	111	24,050
------	------------------------	-------	-------	-----	--------

13,010

	<u>Guilty</u>	<u>Not Guilty or Dismissed</u>	<u>Off. Calendar</u>	<u>Nolo</u>	<u>Total</u>
Jury Departments 15, 17, 18 and 4 Final Dispositions for year	<u>4,352</u>	<u>1,260</u>	<u>31</u>	<u>0</u>	<u>6,016</u>
Jury Departments	17,362	9,420	2,911	111	30,066
Probation revocation hearings held in Municipal Court					<u>3,994</u>
					34,060
Non-parking (moving) traffice violations in which District Attorney prosecuted in court (exclusive of those tabulated above)					<u>109,811</u>
					143,871
District Attorney prepared complaints in 647f (intoxication cases exclusive of those above)					<u>16,008</u>
Total misdemeanors handled					159,879
Felonies handled					<u>18,308</u>
Cases handled in Municipal Courts					178,187

APPELLATE DIVISION

The Appellate Division of the office deals with all appeals arising from misdemeanor convictions in the Municipal Court. Such appeals are taken to the Appellate Department of the Superior Court and may be filed either by the defendant or by the People in a proper case. The Appellate Division consists of one Assistant District Attorney who prepares and files motions, affidavits, briefs and various other pleadings relating to these appeals. This attorney makes regular appearances on Friday mornings at City Hall before the Appellate Department of the Superior Court for oral argument on such matters.

The attorney assigned to appellate work also prepares pleadings and makes appearances in the Municipal Court in connection with demurrers and various pre-trial motions heard in Department No. 17, the Municipal Court Law and Motion Department. She prepares briefs in response to petitions in the Superior Court for various extraordinary writs and appears in the Law and Motion Department of the Superior Court for argument on such matters. She also appears in the United States District Court for the Northern District of California on extraordinary writs.

During the period between July 1, 1970 and June 30, 1971, nineteen appeals were taken by the People. This was almost

twice as many as were taken for the same period the preceding year in which there were, again, twice as many as in the year before that. Seven of these were abandoned for various reasons. Of the remaining twelve, two judgments were affirmed, one was ruled to be non-appealable and the People won reversals on the other nine.

During the same year period, a total of 106 appeals were filed by defendants with the following results:

<u>Affirmed</u>	<u>Reversed</u>	<u>Abandoned</u>	<u>Dismissed on Motion of District Attorney or Court</u>
46	1	7	50

Two cases involved late filing of appeals by defendants. In one case the petition to file late was denied. In the other the appeal was declared void.

The figures for the 1970-1971 period indicate a decrease in the number of appeals filed by defendants from 166 to 106. There is, however, an increase in the number of defense appeals which are prosecuted beyond the mere filing stage, and which are briefed, argued and affirmed on appeal. There were 46 Defense appeals completed in this way in 1971 as compared to 29 in 1970. The number of appeals which the Defense failed to prosecute and which were dismissed for that reason was reduced from 115 in 1970 to 50 in 1971. The People almost doubled the number of appeals they took in 1971. The number of reversals

won on appeal increased from four in 1970, to nine in 1971.

ARRESTS AND SEARCH WARRANTS

Recent United States and California Supreme Court decisions have made the preparation and issuance of arrest and search warrants an increasingly important function of the District Attorney's Office.

Strict search and seizure rules have necessitated the police department's obtaining search warrants in many more cases.

Considerable investigation by the Assistant District Attorney issuing a warrant precedes the filing of the specific factual declarations which are now a required part of both types of warrants.

In this fiscal year 1,950 arrest warrants and 238 search warrants were prepared and issued.

MUNICIPAL COURT COMPLAINT HEARINGS

An important function of the District Attorney's Office is the issuance of complaint notices (not to be confused with citations issued by the police department as an alternative to arrest.)

The party against whom a complaint has been made is mailed a notice directing his appearance in the District Attorney's Office at a specified time. At the time an informal hearing is

conducted with all parties present.

Following the complaint hearing, a warrant of arrest may issue or, more commonly, the matter is settled in this office.

In addition to complaints instigated by private citizens, many state and local agencies use the complaint citation process to secure compliance with the law. City and County agencies include: Tax Collector; Fire Department; Department of Public Health; Department of Electricity; Department of Public Works. State agencies include: Board of Equalization; Department of Industrial Relations; Department of Employment; Board of Medical Examiners; Department of Professional Standards; Department of Public Works; Board of Equalization.

During the fiscal year 1,539 District Attorney complaint citations were issued.

OTHER FUNCTIONS

The Municipal Court Division has voluminous communication with the general public which does not result in litigation of a criminal nature. Many persons with civil and criminal problems are referred to this office by the police department and by other public and private agencies. Every effort is made to direct the inquiring citizen to the proper agency if his case is not within the geographical or statutory jurisdiction of this office.

Needless to say there are numerous incoming telephone calls; many of the problems presented require the legal opinion of an

Assistant District Attorney.

RECAPITULATION-MUNICIPAL COURT RESPONSIBILITIES

Each morning before court an Assistant District Attorney reviews all police reports of incidents occurring within the preceding 24 hours. Arrest and citation reports are separated and felony arrest reports are referred to the senior Assistant responsible for evaluation. Misdemeanor arrests and citations are reviewed for accuracy of charges and appropriate complaints in the case of arrests are prepared. Additional traffic and common drunk complaints are also prepared.

Each Assistant District Attorney takes the misdemeanor complaints to his assigned court for filing. In court the defendants are arraigned and bail is set. Thereafter pleas are entered and jury is demanded or waived and court trials set for hearing. Court trials and felony preliminary hearings are then conducted. The two Assistant District Attorneys assigned to the felony arraignment court follow a similar procedure when felony complaints have been prepared after conference and evaluation with the representative of the Police Department Inspector's Bureau.

One jury department sets trial dates for all matters referred for jury trial and another jury department hears all matters relating to the legality of the arrest, legality of the search and seizure and applicability or constitutionality of the statutory violation charged. All jury departments conduct trials.

SUPERIOR COURT DIVISION

Trial jurisdiction of all felony cases in the City and County of San Francisco, is with the Superior Court Criminal Division. The Superior Court Master Calendar at the Hall of Justice handles arraignments, pleas, and other pre-trial proceedings of each case. Three attorneys are assigned to the preparation and calling of this calendar, before the case is assigned to another Superior Court for trial. Three trial courts sit at the Hall of Justice on a regular basis and four additional Superior Courts are used for felony trials at the City Hall. Because of the tremendous backlog of custody cases, assignments of criminal cases to the City Hall for trial continued to increase during the fiscal year 1970-1971. We are now averaging four criminal trials a week at the City Hall in addition to three at the Hall of Justice.

The Criminal Division case filings of the Superior Court consist not only of criminal cases for trial but also certifications from the Municipal Court for determination of sanity of a defendant, petitions for writs of habeas corpus, petitions for commitment of defendants as mentally disordered sex offenders, petitions to determine whether or not a defendant is addicted to the use of narcotics, and motions to revoke or modify probation. The Superior Court trial attorneys handle these matters in addition to their trial assignments in the various courts.

During the fiscal year July 1, 1970 to June 30, 1971, there were 3,230 case filings in the Superior Court Division, consisting of both informations of the District Attorney and indictments by the Grand Jury. There were 4,019 individual defendants involved

in these filings the disparity resulting, of course, from the numerous cases involving more than one defendant. This shows an increase over the year 1969-70 of 399 cases and 663 defendants.

Not only were there a greater number of filings and persons charged during the last fiscal period but the increase in the number of demands in custody for trial within the statutory period of 60 days continued through the year. This required the judge of the Master Calendar to request the additional Superior Courts at the City Hall to give preference to the trial of criminal cases over civil matters. This office assumed the heavier trial burden without sufficient personnel. Lawyers assigned to warrant interviews were placed into trial work to cover the deficiency and have not been replaced to their former assignments.

Trial calendars have continued to grow but the increase in the number of courts trying criminal cases did enable this office to reduce the number of pending cases by approximately 200 despite the large number of new case filings. During the fiscal period there were 172 criminal jury trials in Superior Court. Of these there were 124 convictions, 29 acquittals and 19 disagreements resulting in hung juries. Since nearly all such mistrials subsequently result in conviction by retrial or a plea of guilty this means that acquittals amounted to 16% of all trials and approximately 84% resulted in convictions or pleas of guilty before retrials.

These figures do not include or in any way reflect the numerous cases which are prepared for trial and a jury selected at which time the defendant withdraws his plea of not guilty and

enters a plea of guilty. Many hours of preparation are spent before these dispositions because it is impossible to know ahead of time whether or not there will be a trial.

The complexity of legal defenses available by court decisions continues to increase the average length of time required to be spent in the prosecution of each felony case. Pre-trial motions for discovery and suppression of evidence have continued to increase. Written briefs, memoranda and criminal records required to these matters have multiplied as a natural result of this increase, placing a greater burden on the secretarial staff as well.

There are 19 lawyers presently assigned to the regular trial of felony cases in the Superior Court Divisions and the handling of the Master Calendar. Four of these lawyers administer trial assignments to the various criminal courts at the Hall of Justice and the City Hall in addition to daily trial work of their own.

OBSCENITY PROSECUTIONS

During 1970 the District Attorney prosecuted numerous obscenity cases in the Municipal Court. Two deputies were involved in these trials but due to the heavy burden of proof required and the vague instructions given to the jury no convictions were obtained. During this time Federal Court restrictions on seizing obscene matter were still in effect, thus cutting down the number of successful investigations.

During the first half of 1971 the District Attorney's Office was successful in four out of five prosecutions against exhibition of obscene motion pictures. The United States Supreme Court also set aside the restrictions on seizures which had severely hampered the gathering of vital evidence for trial. This office also began successful abatement proceedings against establishments where lewd live conduct had been taking place. A notorious promoter of obscene public performances was brought to trial and sentenced to State Prison.

Defendants arrested for obscene exhibitions and obscene motion pictures still take advantage of opportunities to delay and impede actual trial. Defendants who have been convicted must, by law, be granted bail pending appeal and while their appeals are still pending before the appellate department of the Superior Court.

This office has been involved in litigation regarding the new police permit procedure which requires operators of motion pictures theaters to obtain permits from the police. The Police Department has denied various of these applications and the Board of Permit Appeals has sustained the Police Department.

The District Attorney has assisted the City Attorney in defending the Board of Permit Appeals and the Police Department before the Superior Court. At this time no final ruling on the permit ordinance has been obtained.

Despite the California Supreme Court's approval of the current search and seizure methods of the Police Department in this area the District Attorney must defend numerous motions to suppress evidence and quash search warrants in obscenity cases. The preparation and defense of these motions requires approximately one to two full court days of an attorney's time per week. The District Attorney also reviews the investigations conducted by the police and advises on methods and focus of future obscenity investigations.

BUSINESS INVESTIGATION SECTION

During the past fiscal year this Section investigated and prosecuted the following types of offenses: Embezzlements, Thefts by False Pretenses, Corporation Security Violations, Forgeries, Credit Card Violations and other related criminal activities.

Investigations are initiated by complaints from citizens and from Federal, State and City and County agencies. The first step in investigation is an interview with the complainant or with an investigator from a governmental agency. This is followed by securing of further evidence, if needed, and interviews with all persons who may be witnesses. A warrant is issued if it is determined there are sufficient grounds for a criminal charge.

In some cases, however, a hearing is held at the office of the District Attorney, at which time all interested parties are invited to appear.

If no further investigation is required, a warrant may issue or the matter may be dismissed, depending upon the disclosed circumstances. This procedure of investigation and hearing may take from one day to many months, depending upon the intricacies of the case.

Following arrest for a felony, the defendant is held to answer for trial either through a preliminary hearing or by

indictment.

Below are the resumes of some of the more important cases of the past year:

People vs. Perez

This case involved an employee of the State of California who authorized payments totalling \$25,000 to fictitious persons which he deposited into his own bank account. The defendant was sentenced to State Prison after his plea of guilty to theft.

People vs. Hillman

The defendant, while employed at a stock brokerage company as a cashier, stole six Treasury Bills totalling \$190,000. After her plea of guilty to the charge of theft, she was sentenced to State Prison.

People vs. Manning

This case involved an accountant for a steamship company who stole \$11,000 by falsifying the accounts receivable records and bank deposits. The defendant was arrested after being a fugitive for five years, during which time he committed other crimes, using various fictitious names. After a plea of guilty, he was sentenced to State Prison.

People vs. Richardson

The defendant was a travel promoter who collected over

\$70,000 from numerous people for fictitious charter flights. After the defendant's plea of guilty to charges of theft and his returning \$69,000, he was sentenced to one year in the county jail and was then to be deported.

People vs. Mann

This case involved the theft of approximately \$150,000 by a legal secretary who forged her employers' names to checks over a six-year period. The defendant pled guilty and is presently awaiting sentence.

In addition to criminal prosecution, this Section has continued to obtain injunctive relief in cases involving false advertising and unlawful business practices. The prosecution of these matters initially requires the securing of a temporary restraining order, followed by the obtaining of a preliminary injunction and ultimately a permanent injunction. These actions can result not only in stopping illegal business practices, but in the county's receiving up to \$2,500 for each violation.

During the past year this Section has continued to be involved in securing more effective protection for the consumer. This has included, in addition to obtaining injunctive relief, participation in various governmental committees whose purpose is not only combatting fraudulent business practices, but also instituting educational programs for the consumer.

GRAND JURY

One important function of the District Attorney is to act as legal advisor to the Grand Jury in all criminal matters. He is responsible for the presentation of evidence in felony cases where an indictment is sought. Witnesses are called and cases are presented each Monday evening. When indictments are voted they are formally presented to the Presiding Judge of the Superior Court on the following Thursday morning.

During the fiscal year 478 witnesses were called to testify before the Grand Jury. A total of 113 indictments were returned involving 224 defendants, with a total of 338 charges.

BUREAU OF INVESTIGATION

This bureau of ten, headed by the Chief Investigator, has one Psychiatric Investigator, five investigators assigned to the Criminal Division, and four in the division handling Aid to Families with Dependent Children.

Psychiatric Division

The primary functions of the Psychiatric Division are as follows:

- (1) To represent the City and County of San Francisco as designated in Section 5114 of the Welfare and Institutions Code.
- (2) Investigation of alleged mentally disordered and intemperate persons, as well as those addicted to narcotics and habit forming drugs; when appropriate taking action under the Penal or Welfare and Institutions Codes.
- (3) To interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, alcoholism, and drug addiction.

Section 5114 of the California Welfare and Institutions Code specifically assigns the responsibility of presenting the Peoples case at any judicial proceeding under that code to the District Attorney. Two members of the legal staff have been assigned on a parttime basis to these duties which include Jury Trials demanded by alleged mentally ill. Two of these trials were demanded during the past fiscal year, the first took three days and resulted in a verdict of mental illness, the second was dismissed on motion of the District Attorney.

Court appearance by the District Attorney at Writs of Habaes Corpus hearings demanded by the alleged mentally ill is also mandatory under Section 5114. During the fiscal year 1970-1971, sixteen hearings were held on Writs of Habaes Corpus', four were granted, twelve denied.

Complaints concerning mental illness or deficiency, alcoholism and drug and narcotic addiction are investigated by a psychologist employed by this office and regularly assigned to all such cases. Whenever advisable a member of the legal staff is also assigned. Where reasonable and probable cause exists and where no relatives or other interested parties are located or willing to assume responsibility this office takes appropriate action under either the Penal or Welfare and Institutions Code.

During the fiscal year ending June 30, 1971, the Psychopathic Division was directly concerned with 289 investigations.

Mental Illness	159
Narcotics & Drugs	114
Intemperance	<u>16</u>
	289

In addition, the Psychopathic Division conducted numerous investigations during the fiscal year which resulted in the locating of relatives or other interested persons who were willing and able to assume responsibility for the patient and arrange private hospitalization or psychiatric care without the necessity of court proceedings. Many other complaints were found, upon investigation, to be without merit, and legal action was unnecessary.

10. 10. 1910. (10. 10. 1910. 10. 10. 1910.)

11. 11. 1910. (11. 11. 1910. 11. 11. 1910.)

12. 12. 1910. (12. 12. 1910. 12. 12. 1910.)

13. 13. 1910. (13. 13. 1910. 13. 13. 1910.)

14. 14. 1910. (14. 14. 1910. 14. 14. 1910.)

15. 15. 1910. (15. 15. 1910. 15. 15. 1910.)

Criminal Division - Investigators

The Criminal Investigators assist the legal staff in preparation of cases for court by securing evidence, interviewing witnesses, obtaining offense reports and criminal records of the accused, and serving subpoenas for the attendance of witnesses for trials in the Superior and Municipal Courts. One Criminal Investigator is assigned to the Business Investigation Section to assist the Assistant District Attorney in conducting investigations.

Other duties are the service of all Uniform Reciprocal Support Orders and the conducting of various inquiries requested by the legal staff.

Section 4852.01 of the California Penal Code provides for the granting of Certificates of Rehabilitation and Pardon by the Governor. An investigation of each applicant is conducted by the District Attorney to determine eligibility. Such investigative reports, in affidavit form, are subsequently presented to the Superior Court for its determination.

Following is a brief summary of the major activities of the Criminal Division of the Bureau of Investigation for the fiscal year 1970 - 1971:

Reports and criminal records obtained	8,119
Subpoenas served	113
Interviews held	127
Reciprocal Support Orders served	50
Certificates of Rehabilitation processed	16
Direct assistance in preparation of criminal cases for trial	276
Investigation of applicants as bail solicitors or bail bondsman	21
Inquiries into demands made pursuant to Section 1381 Penal Code	221

Aid to Families with Dependent Children Division

Since the enactment of Section 1552.4 (now Section 11475) of the Welfare and Institutions Code in 1951, the Department of Social Services and the Youth Guidance Center have referred 45,186 new cases to the District Attorney for investigation.

This office does not determine the eligibility of applicants for aid; such determination is made exclusively by the Department of Social Services. The principal functions of the AFDC investigators are:

1. Finding the absent parents to enforce legal support obligations.
2. Instituting proper criminal action against those who have fraudulently received aid.

During the fiscal year 1970 - 1971

2,312	New AFDC cases referred.
551	Inactive cases reopened.
<u>2,390</u>	Active cases held over from last year.
5,253	Total active case load.
<u>2,608</u>	Cases closed
2,645	Active cases as of July 1, 1971.

Approximately 4,890 interviews were held regarding the above cases.

The following were the reasons for closing 2,608 cases:

The impossibility of establishing paternity.

Uniform Reciprocal Support Action by this office, whereby an order was obtained for support from a responsible parent residing outside of California

Convictions under Section 270 of the Penal Code, resulting in sentences of probation or incarceration.

The complainant left this jurisdiction.

The defendant was located by this office and a support agreement reached for payment either to the recipient or the Department of Social Services.

The Adult Probation Department took over supervision of the absent parent on voluntary probation (Section 580 (d) of the Welfare and Institutions Code) or per Section 4702 of the Civil Code.

It is estimated that the AFDC investigators effected savings to the taxpayers in the amount of \$514,084.

Paternity

The increase in illegitimacy is a contributing factor to the increase of welfare disbursements. Establishing paternity of these children is difficult, but AFDC investigators endeavor to have the natural fathers voluntarily acknowledge paternity through written statements, and then arrange support payments commensurate with the individuals' incomes. During this fiscal year, 161 such statements were obtained by the investigators.

Investigations for Other Jurisdictions

Another duty of the AFDC investigators is locating and interviewing absent parents, verifying wages, securing voluntary paternity acknowledgments and other data for other jurisdictions. Approximately 391 such requests were received and processed during this year.

Welfare Fraud

Fraud is the general term applied to those cases in which there are reasonable grounds to believe that a welfare recipient has received aid as a result of willfully and knowingly making false statements or failing to disclose a material fact, in order to obtain such aid.

Such cases are either initially detected and investigated by the AFDC investigators of this office or are referred to

this office for additional investigation and analysis by the Department of Social Services.

The 1969 State Supreme Court ruling in People vs. Gilbert holds that where a person has fraudulently obtained unauthorized assistance from the Aid to Families with Dependent Children program, prosecution must be conducted under Section 11482 Welfare & Institutions Code (Fraudulent representation or nondisclosure as to aid), a misdemeanor. The court held that prosecution under Section 487 Penal Code (Grand Theft), a felony was improper. This office was obliged to cancel all of the outstanding felony warrants falling within this category, thus reducing the number of outstanding warrants to 14.

In November, 1970 Section 11483 of the Welfare and Institutions Code was amended. When the amount of aid obtained fraudulently exceeds \$200, a felony can be charged.

During the months of May and June 1971, the Department of Social Services made 106 new fraud referrals to the District Attorney; 50 warrants were issued.

BUREAU OF FAMILY RELATIONS

This bureau investigates all complaints of a purported criminal nature arising within a family or quasi-family situation.

Four staff members investigate these complaints, which include: failure to provide for minor children; failure to provide for indigent wives; battery; assault; wife beating disturbing the peace; threats to do bodily harm; malicious mischief; mental illness; alcoholism; establishment of paternity upon the complaints of unwed mothers; denial of visiting rights to a parent where custody of child or children is under court order; various other types of domestic difficulties. Cases of mental illness or alcoholism are referred for investigation to San Francisco General Hospital, Psychopathic Division.

Effective July 1, 1970, Section 653(m) of the California Penal Code (making annoying telephone communications) was added to the list of complaints. Many complainants have stated that as a result of such telephone calls to their place of employment, they have been discharged by their employer.

Although not listed in a classification per se, there has been a noticeable increase of complaints on the use of narcotics within a family or quasi-family situation. Referrals are made to agencies offering assistance with the problem of drug abuse. In many instances complaints are brought directly to the Narcotics Detail when information given to an investigator may be of significant interest to the Narcotics Bureau.

Included under miscellaneous were 42 referrals from the Department of Social Services that were processed for Medical Need Only Therapeutic Abortions.

All alternative actions to solution of these domestic difficulties are examined prior to the issuance of any warrant. District Attorney Complaint notices are issued and hearings held to determine whether the alleged crime has been committed. The limits of the law are defined to both the complainant and respondent. The necessity for issuance of a criminal warrant is eliminated in most cases to the satisfaction of all concerned, thus settling the dispute, saving court costs and not adding to crowded court calendars. Referrals may be made to the many community agencies offering counseling service to those needing particular assistance.

This bureau invokes Section 270 of the California Penal Code (failure to provide for minor children, both legitimate and illegitimate). Every effort is made to secure voluntary support. Although 1,170 complaints of non-support were made, only 47 warrants for arrest were issued. There were 64 voluntary referrals made to the Adult Probation Department under Section 580(d) of the California Welfare and Institutions Code. The members of the staff were, in most cases, able to secure the cooperation of the fathers as a result of citation hearings.

A great deal of time and effort was exerted in searching for defendants who did not reside in this jurisdiction or in California, through the many sources available to this office.

There is voluminous correspondence with the following agencies; California Bureau of Criminal Identification and Investigation; California Department of Employment; Armed Forces of the United States; unions; employers; District Attorneys in other jurisdictions.

There are occasions when it may be necessary for the complainant to seek civil remedy for non-support of a minor child or children. The complainant is then advised to seek the services of an attorney and to file a complaint under the Uniform Reciprocal Enforcement of Support Act.

The Bureau of Family Relations processed the following complaints during the fiscal year:

<u>CLASSIFICATION</u>	<u>CASES</u>
653(m) Annoying Telephone Communications)	391
270 Penal Code (Non-Support of Minor Children)	1,170
270(a) Penal Code (Non-Support of Indigent Wife)	39
242 Penal Code (Battery)	1,551
415 Penal Code (Disturbing the Peace)	1,295
594 Penal Code (Malicious Mischief)	330
279 Penal Code (Denial of Visiting Rights)	144
273(d) Penal Code (Felony Wife Beating)	13
Mental Illness	167
Unwed	160
Drinking	701
Domestic Difficulties	1,068
Threats	598
Miscellaneous	<u>996</u>
TOTAL:	8,623

During the year 2,100 complaint notices were mailed; 1630 hearings were held; and 2,200 referrals were made. Approximately 12,000 telephone inquiries regarding case status, specific complaints, and general information were handled by this bureau.

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION

The case load and the number of attendant matters handled by this division has definitely increased during the present fiscal year.

During this year changes in the Domestic Relations Department of the Superior Court have continued to handicap this office when there was no judge definitely assigned to handle the work of that court. Recently a Court Commissioner has been assigned to handle the calendar and there have been three different judges in as many weeks.

A number of paternity cases have been filed and a portion of these will result in default judgments. A large number of cases remain to be processed at a time when sufficient staff is available.

A steady increase has been noted in the number of referrals to this division for follow-up cases referred to the Adult Probation Department by the court.

The statistical data for this year is as follows:

UNIFORM RECIPROCAL SUPPORT CASES PROCESSED IN FISCAL YEAR 1970-1971

San Francisco Initiated	Av.per Month	Other Jurisdic- tions Initiated San Francisco Responded	Av.per Month	Total Cases Processed	Average All Cases per Month
58	4.58	356	30	414	34.5

CONTEMPT CITATIONS - URESA

135

The statistics for the Reciprocal Support Division with regard to support cases handled under the Uniform Reciprocal Enforcement of Support Act each month for the past five years

averages out as follows:

1966-1967.	27.75
1967-1968.	27.42
1968-1969.	27.08
1969-1970.	29.91
1970-1971.	34.50

DECREASE OR INCREASE OF NEW CASES 1970-1971

San Francisco Initiated

1969-1970 - New Cases . . .	59
1970-1971 - New Cases . . .	<u>58</u>
DECREASE . . .	<u>1</u>

San Francisco Responded

1969-1970 - New Cases . . .	300
1970-1971 - New Cases . . .	<u>356</u>
INCREASE . . .	<u>56</u>

SUPPORT ORDERS ENTERED 1970-1971	151
SUPPORT ORDERS MODIFIED.	12
INTERIM ORDERS RE CONTEMPT (URESA)	86
MISCELLANEOUS ORDERS	<u>4</u>
TOTAL	<u>253</u>

AVERAGE ORDERS PER MONTH (URESA) 21

SUPPORT ORDERS OBTAINED BY OTHER JURISDICTIONS 31

AVERAGE ORDERS PER MONTH FROM OTHER JURISDICTIONS. 2.50

TOTAL ORDERS PREPARED AND ENTERED FOR OTHER JURISDICTIONS. . 253

TOTAL ORDERS OTHER JURISDICTIONS SENT TO SAN FRANCISCO . . . 31

INCREASE/DECREASE OF ORDERS COMPARED 1969-1970 TO 1970-1971

1969-1970 Orders Obtained by other Juris.for San Francisco - 28	1969-1970 Orders Obtained by S. F. for other Juris. . . 202
1970-1971 Orders Obtained by other Juris.for San Francisco - <u>31</u>	1970-1971 Orders Obtained by S. F. for other Juris. . . <u>253</u>
INCREASE . . . <u>3</u>	INCREASE <u>51</u>

CHANGES OF VENUE FROM SAN FRANCISCO TO OTHER JURISDICTIONS . . 9

CHANGES OF VENUE FROM OTHER JURISDICTIONS TO SAN FRANCISCO . . 13

TRANSFERS OF SUPPORT ORDERS TO OTHER JURISDICTIONS

UNDER SECTION 1682 URESA 14

The statistics regarding cases referred under Section 4702 Civil Code, handled by this division for the Adult Probation Department, are as follows:

4702 CIVIL CODE

Contempt Citations

131

INTERIM ORDERS ENTERED	68
WAGE ASSIGNMENTS ENTERED	7
MODIFIED SUPPORT ORDERS.	14
MISCELLANEOUS ORDERS	19
MOTION AND ORDER TO WITHDRAW REFERRAL UNDER 4702 CC	179
MOTION AND ORDER AMENDING SUPPORT ORDER	<u>11</u>
TOTAL	298

AVERAGE ORDERS PER MONTH UNDER 4702 CC . 24.83

SUPERIOR COURT BAIL BOND FORFEITURES

During the past fiscal year there were 84 bail bond forfeitures ordered by the Superior Court, which resulted in the following determinations:

<u>SUMMARY JUDGMENTS</u>	<u>COLLECTED</u>	<u>AMOUNT</u>
84	50	\$76,565.00

Five summary judgments were set aside on motions presented to the Superior Court. Summary judgments totaling \$16,700.00 against one bonding company remain unpaid due to the fact that the company is presently under a Liquidation Order granted by the Superior Court on August 18, 1971. We hope to obtain payment through claims filed with the Liquidator, Joseph D. Geeslin, Jr., Bankers Trust Building, Indianapolis, Indiana.

We hold summary judgments against a second bonding company totaling \$18,125.00, some of these being disputed in the court. Other disputed judgments totaling \$70,000.00 are presently being

appealed after Motion to Vacate was denied by the court. The total amount of summary judgments on forfeited bail bonds which, so far, have not been adjudicated is \$104,825.00 plus court costs.

ANNUAL REPORT TO MAYOR

DOCUMENTS

OCT 4 1972

SAN FRANCISCO
PUBLIC LIBRARY

Submitted by

San Francisco
JOHN JAY FERDON, DISTRICT ATTORNEY

July 1, 1971 - June 30, 1972

CONTENTS

MUNICIPAL COURT DIVISION	1
SUPERIOR COURT DIVISION	18
OBSCENITY PROSECUTIONS	21
VICE CONTROL	23
BUSINESS INVESTIGATION SECTION	25
GRAND JURY	28
BUREAU OF INVESTIGATION	29
Psychiatric Division	29
Criminal Division	31
Aid to Families With Dependent Children Division	32
BUREAU OF FAMILY RELATIONS	36
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION	40

MUNICIPAL COURT

Introduction

The Municipal Court Division has the multiple responsibilities of initiating all felony prosecutions, processing felony cases in the Municipal Court, prosecuting motions to revoke probation, prosecuting all misdemeanor cases, supervising and assisting the Police Department in the preparation of arrest and search warrants, issuing District Attorney complaint citations, and holding complaint citation hearings prior to prosecution. These various functions will be treated in detail in the pages following.

Initiating Felony Prosecutions

Felony prosecutions in the Municipal Court are initiated either by issuance of an arrest warrant or, in the vast majority of cases, by issuing complaints following an evaluation of "no-warrant" felony arrests.

"No-warrant" felony arrests are those arrests made by police officers when they observe acts or obtain information which provide them with reasonable and probable cause to believe that a felony has been committed.

Following a "no-warrant" felony arrest, the case is investigated by the Inspectors Bureau of the Police Department and then evaluated in conference by a representative of the Inspectors Bureau and an experienced senior Assistant District Attorney.

To assure a just and proper disposition of these cases, the reviewing Assistant District Attorney must possess a thorough knowledge of the current Federal and State criminal and constitutional law. Both the Federal and State Appellate Courts, especially in recent years, continually review and reinterpret the

laws of arrest, search and seizure, confessions and admissions, criminal identification and other areas of criminal law, requiring continued time and effort by all prosecuting attorneys to remain abreast of these developments.

After the evaluation of the "no-warrant" felony arrest, a decision is made to initiate a felony prosecution, initiate a prosecution on a less serious misdemeanor charge, or to discharge the arrested person. This decision must be made within two days following the initial arrest. In this fiscal year, the Municipal Court Division handled 16,596 "no-warrant" felony arrest charges. This was a decrease of 1,712 charges over the 18,308 cases of the previous fiscal year.

A total of 49.73% or 8,253 charges resulted in felony prosecutions. This figure includes 7,986 charges which were the same charges for which the defendants were arrested, and 267 felony charges which differed from those originally placed against defendants by the arresting officers. In addition, 9.69% or 1,609 charges were reduced to misdemeanor charges and prosecuted in the general courts. Thus a total of 9,862 charges, or 59.42% of all charges brought resulted in prosecution. In 40.58% of the cases, the evidence, taking into account constitutional as well as factual limitations, was insufficient for prosecution and the defendants were discharged.

In the fiscal year 1970-1971, 55.45% of all felony arrests resulted in prosecution (felony and misdemeanor) whereas in the 1971-1972 fiscal year, 59.42% of all felony arrests resulted in prosecution.

The following table illustrates the types of offenses evaluated and the results of evaluation of the fiscal year 1971-1972.

NO-WARRANT FELONY ARREST CHARGES

July 1971 - June 1972

OFFENSE	FELONY PROSEC.	DISCHARGED	REBOOKED AS OTHER FELONY	MISD. PROSEC.	TOTAL
DRUGS:					
Opiate	1,049	644	25	18	1,736
Marijuana	1,374	683	11	296	2,364
Dangerous Drugs	676	695	11	71	1,453
Other Drug Offenses	229	149	1	4	383
HOMICIDE	46	14	2	-	62
VEHICULAR MANSLAUGHTER	5	-	-	2	7
DRIVING OFFENSES	73	20	1	31	125
DEADLY WEAPONS	200	133	5	85	423
OTHER SEX OFFENSES	191	46	5	5	247
CONSPIRACY	79	331	15	53	478
RAPE	110	76	2	-	188
BOOKMAKING	86	2	-	1	89
CHECK & FORGERY	313	129	12	10	464
THEFT	401	196	10	58	665
AUTO THEFT	416	353	11	58	838
ASSAULT	684	586	21	586	1,877
BURGLARY	857	307	43	118	1,325
RECEIVING STOLEN PROPERTY	410	1,600	60	119	2,189
ROBBERY	546	482	22	21	1,071
OTHER FELONIES	241	288	10	73	612
TOTAL:	7,986	6,734	267	1,609	16,596
	48.12%	40.58%	1.61%	9.69%	100%

The inability by victims of crimes to identify potential defendants or allegedly stolen property, and the unavailability of necessary witnesses were major factors resulting in the discharge of cases.

Felony Cases in Municipal Courts

Upon the filing of a felony complaint or the issuance of a felony arrest warrant and consequent arrest, the Municipal Court acquires jurisdiction over the case for the purpose of conducting a preliminary hearing before a Magistrate to determine whether there is reasonable and probable cause to require the defendant to stand trial on the charge in Superior Court.

Five Municipal Court departments concurrently conducted preliminary hearings during the fiscal year. An Assistant District Attorney was assigned to each department to prepare and present the necessary evidence and supporting legal authorities at these hearings. The same Assistant District Attorney also prepared and presented evidence and legal authorities in misdemeanor cases where trial was held by the Court without jury. A sixth department was inaugurated on January 2, 1972, to handle all felony arraignments, felony bail settings, preliminary hearing assignments to the five previously mentioned departments, fugitives from justice from other states and negotiating dispositions of felony cases without further prosecution. The work of this Court requires the assignment of a second Assistant District Attorney. A total of 8,123 defendants received preliminary hearings in the general courts.

During the fiscal year 1971-1972, 7,692 felony cases were filed in the Municipal Court.

During the preliminary hearing, the defense attorney may cross-examine prosecution witnesses and present evidence and legal

authorities on behalf of the defendant which may require a re-evaluation of the case by the Assistant District Attorney or a dismissal of the case by the Magistrate. Dismissals in Municipal Court are routinely requested by the Assistant District Attorney where the cases were presented to the Grand Jury prior to preliminary hearing.

During the reported fiscal year, 40.59% of the felony cases which were filed were held for trial in Superior Court, 1.7% were indicted, 33.12% plead guilty to misdemeanor charges, 23.09% were discharged, and 1.50% were subject to other procedures, such as certification to Superior Court for determination of the mental competency of the defendant to stand trial, or certification to Youth Guidance Authority where the defendant is under age, and the issuance of bench warrants for the arrest of defendants who did not appear. A large per cent of those felony charges which were dismissed represent dismissals for a plea of guilty to another charge.

The felony arraignment court handled 2,898 cases* during its first six months of operation which began in the first week of January of 1972. Out of the total, 2,087 cases were transferred to the other general courts for further prosecution or disposition and 811 cases, representing 27.98% of the total were disposed of by plea bargaining in the felony arraignment court.

The following table illustrates the types of offenses involved and the dispositions made:

*A case is distinguished from a charge in that the former includes all of the individual charges placed against one or more defendants because of alleged criminal activity arising out of the same incident.

DISPOSITION OF FELONY CHARGES 1971-1972

<u>OFFENSE</u>	<u>HELD TO ANSWER</u>	<u>REDUCED MISD.</u>	<u>DISMISSED</u>	<u>INDICTED</u>	<u>BW & O.C.</u>	<u>1368 & JUV.</u>	<u>TOTAL</u>
DRUGS							
Opiate	876	31	204	9	11	2	1,133
Marijuana	286	535	283	2	4	5	1,115
Dangerous Drugs	224	224	135	2	2	1	588
Other Drug Offenses	66	38	52	1	1	-	158
HOMICIDE	28	1	5	19	1	-	54
VEHICULAR MANSLAUGHTER	4	4	-	-	-	-	8
DRIVING OFFENSES	15	40	11	-	-	1	67
DEADLY WEAPONS	44	68	47	4	-	1	164
RAPE	76	6	34	7	-	4	127
OTHER SEX OFFENSES	151	9	72	6	-	1	239
CONSPIRACY	15	14	41	-	-	9	79
BOOKMAKING	51	30	24	-	-	8	113
CHECK & FORGERY	69	215	54	-	-	1	339
THEFT	79	330	84	1	-	-	494
AUTO THEFT	46	203	56	1	-	10	316
ASSAULT	247	185	183	17	4	10	646
BURGLARY	336	303	127	9	4	10	789
RECEIVING STOLEN PROPERTY	101	202	110	1	2	-	416
ROBBERY	315	34	125	47	5	11	537
OTHER FELONIES	95	76	129	4	4	2	310
TOTAL	3,124	2,548	1,776	130	38	76	7,692
	40.59%	33.12%	23.05%	1.70%	.50%	1%	100%

Misdemeanor Cases

During the fiscal year, the departments of the Municipal Court assigned to hear the criminal and traffic matters handled 163,881 charges based on violations of such laws, exclusive of parking violations. The following charts and text will set forth the participation of the District Attorney's staff in the prosecution of these many matters.

Persons arrested or cited in lieu of arrest for misdemeanors committed in San Francisco appear in one of the five general departments of the Municipal Court where the disposition is determined by guilty plea, court trial, transfer to jury departments, or dismissals. Felony arrests resulting in misdemeanor prosecutions are also subject to the exclusive jurisdiction of these Municipal Court Departments. Two special departments hear and determine all vehicle and traffic offenses except where a jury is demanded; and one traffic department handles related criminal offenses, such as resisting arrest and disturbing the peace. Each of these seven departments has an assigned Assistant District Attorney.

Additional departments hold jury trials and hear related matters. These misdemeanor jury matters are treated separately in this report.

The five general departments of the Municipal Court handled 19,441 misdemeanor cases during the fiscal year 1971-1972. Over one half of all misdemeanor charges resulted in convictions. Although many charges were dismissed, 3,182 charges were dismissed because the defendant pled guilty or was found guilty of another misdemeanor offense. Most of the remaining 3,530 dismissals were

due to failure of the victim to identify the defendants or to respond to court when directed, inability of a victim to identify property, and reevaluation of the charges by the District Attorney assigned to the case based upon further investigation or information.

A total of 1,994 charges were not prosecuted because the defendants failed to appear or the defendants were minors. In these cases, Bench Warrants (BW) were issued or the charges were transferred to Youth Guidance Center for proceedings against the minors. Prosecution was terminated or delayed in 459 other charges. This resulted because of the possibility of drug problems or mental instability which required evaluation by experts, and because many misdemeanors occurred at the same time as a felony charge for which the defendant was being prosecuted. In such cases, the misdemeanor trails or follows the felony while the latter charge is prosecuted.

The following table illustrates the types of offenses and statutory sections involved in the general and traffic departments of the Municipal Courts:

MISDEMEANOR CHARGES PROSECUTED
IN THE GENERAL COURTS

FROM July 1, 1971 TO June 30, 1972

OFFENSE	GUILTY & NOLO	DISMISSED FOR PLEA OTHER	B.W. O.C. JUV	CERT. S.C. 1368, & TRAIL. MISD.	TOTAL
DRUG OFFENSES:					
Marijuana - (Misd)	134	33	22	5	222
Dangerous Drugs - (Misd)	45	9	3	1	69
Other Drug Offenses	548	387	138	104	1494
ASSAULT & BATTERY:	356	131	125	21	918
WEAPONS:	402	184	69	40	866
PETTY THEFT:	1698	94	448	40	2581
RESISTING ARREST & ASSAULT ON POLICE OFFICER:	277	355	104	49	992
GAMBLING:	303	3	20	2	389
LEWD & OBSCENE:	86	84	51	21	321
PROSTITUTION:	1039	649	224	32	2138
DISTURBING THE PEACE:	474	164	62	21	897
INTOXICATING LIQUOR:	642	247	65	14	1262
MINORS - Support, Delinquency, Cruelty:	91	34	27	9	228
VEHICLE:					
Auto Tampering	67	14	20	3	123
Suspended or Revoked License	93	5	21	1	144
Intoxicating Liquor	896	8	69	3	987
Hit & Run Property Damage	102	11	12	2	174
Unsafe Speed for Conditions	43	68	8	4	207
Open Container/Drinking in Auto	7	10	3	1	26
Other Traffic Misdemeanors	426	215	104	33	1108
OTHER MISDEMEANORS	2547	477	399	53	4295
TOTALS:	10,276	3,182	1,994	459	19,441

In the Municipal Court, the District Attorney's Office handled a total of 180,477 charges and cases during the fiscal year 1971-1972. The table below illustrates the breakdown of the total.

TOTAL CASES HANDLED IN MUNICIPAL COURT

	<u>Guilty</u>	<u>Not Guilty or Dismissed</u>	<u>Off Calendar</u>	<u>Total</u>
Jury Depts. 15,17,18,4 Final disposition of cases for fiscal year	2,847	2,834	80	5,763
Misdemeanor charges prosecuted in the general courts				19,441
Non-parking (moving) traffic violations in which D.A. prosecuted in court (exclusive of those tabulated above)				121,712
Probation revocation hearings				4,754
Preparation of 647f complaints by D.A.'s office				<u>12,211</u>
Total misdemeanors handled				163,881
Felony arrest charges				<u>16,596</u>
Total cases handled in the Municipal Court				180,477

MISDEMEANOR JURY DEPARTMENT

The Misdemeanor Jury Department was staffed by five attorneys during the fiscal year 1971-1972. On each trial date three attorneys were available and prepared for trial. The remaining two attorneys staffed the Misdemeanor Master Calendar Court. These two attorneys were responsible for all matters appearing on the Master Calendar as well as the preparation of each case for a pre-trial conference.

During the fiscal year the Jury Department was responsible for closing 5,763 misdemeanor cases. A case, in the Jury Department, is defined as one defendant charged with one or more crimes arising out of a single incident.

Pleas of guilty or nolo contendere were entered in 2,847 cases; jury was waived and 284 cases were returned to the general criminal courts for settlement without a jury; 7 non-jury trials were conducted by the Jury Department resulting in 6 convictions and 1 acquittal; 18 cases were submitted to the Court on the facts of the police report resulting in 11 convictions and 7 acquittals; 65 defendants were charged with minor traffic violations and agreed to attend Traffic School after which these cases were dismissed; 15 cases were certified to the Youth Guidance Center because the defendant was under the age of eighteen.

The Jury Department presented 265 cases to San Francisco juries with the following results: 129 convictions; 71 acquittals and 65 disagreements. 27 of the latter cases were successfully resolved by pleas of guilty after the trial.

The following list illustrates the type and percentage of offenses which were presented to San Francisco Juries.

Driving Under the Influence of Alcohol . . .	23.7%
Breach of the Public Peace	17.8%
Prostitution	16.6%
Theft	13.5%
Battery.	10.5%
Drugs.	6.0%
Weapons.	3.0%
Sex	1.5%
Minor Vehicle Offenses	1.5%
Miscellaneous Offenses	5.9%

Of the 5,763 cases closed by the Jury Department during the fiscal year 1971-1972, 3,085 resulted in successful prosecution either through an admission of guilt or a finding of guilt.

At the close of the fiscal year there were 762 cases pending in the Jury Department.

APPELLATE DIVISION

The Appellate Division of the office deals with all appeals arising from misdemeanor convictions, motions to suppress and demurrers in the Municipal Court. Such appeals are taken to the Appellate Department of the Superior Court and may be filed either by the defendant or by the People in a proper case. The Appellate Division consists of one Assistant District Attorney who prepares and files motions, affidavits, briefs and various other pleadings relating to these appeals. This attorney makes regular appearances on each Friday morning before the Appellate Department of the Superior Court for oral argument on such matters.

The attorney assigned to appellate work also prepares pleadings and makes appearances in the Municipal Court in connection with demurrers and various pre-trial motions, of which there were approximately 360 this fiscal year, heard in Department No. 17, the Municipal Court Law and Motion Department. The attorney prepares briefs in response to petitions in the Superior Court for various extraordinary writs and appears in the Law and Motion Department of the Superior Court for argument on such matters. The attorney also appears in the United States District Court for the Northern District of California on extraordinary writs.

During the period between July 1, 1971 and June 30, 1972, seven appeals were taken by the People. This was less than half as many as were taken for the same period the preceding year. Two of these were later abandoned. The People won reversals on the other five.

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

THE HISTORY OF THE

on the other five.

During the same year period, a total of 116 appeals were filed by defendants with the following results:

<u>Affirmed</u>	<u>Reversed</u>	<u>Abandoned</u>	<u>Dismissed on Motion of District Attorney or Court</u>
35	11	6	64

Of the reversals, 6 were minor traffic offenses, 1 was a major traffic offense, and the remaining 4 were reversed with the consent of the People on two occasions because of changes in the law pending appeal.

The figures for the 1971-1972 period indicate an increase in the number of appeals filed by defendants from 106 to 116. There remained a large number of defense appeals which are prosecuted beyond the mere filing stage, and which are briefed, argued and affirmed on appeal. The number of appeals which the Defense failed to prosecute and which were dismissed for that reason was increased from 50 in 1971 to 64 in 1972. Due to unprecedented changes in Appellate case law, which involved decisions adverse to the People and which were written while appeals were pending, the People lost one contested case, conceded two, and abandoned an appeal of their own.

ARRESTS AND SEARCH WARRANTS

Recent United States and California Supreme Court decisions have made the preparation and issuance of arrest and search warrants an increasingly important function of the District Attorney's Office.

Strict search and seizure rules have necessitated the police department's obtaining search warrants in many more cases.

Considerable investigation by the Assistant District Attorney issuing a warrant precedes the filing of the specific factual declarations which are now a required part of both types of warrants.

In this fiscal year 2,092 arrest warrants, an increase of 142 over the previous year were prepared and issued. The 412 search warrants prepared represented an increase of 174 search warrants issued in the previous fiscal year.

MUNICIPAL COURT COMPLAINT HEARINGS

An important function of the District Attorney's Office is the issuance of complaint notices (not to be confused with citations issued by the police department as an alternative to arrest) in cases involving neighbor disputes, barking dogs, disturbing the peace and similar problems.

A notice is mailed to the party against whom a complaint has been made directing his appearance in the District Attorney's Office at a specified time. At that time a hearing is conducted by an Assistant District Attorney with all parties present.

Following the complaint hearing, a warrant of arrest may issue or, more commonly, the matter is settled in this office.

In addition to complaints instigated by private citizens, many state and local agencies use the complaint citation process to secure compliance with the law. City and County agencies include: Tax Collector; Fire Department; Department of Public Health; Department of Electricity; Department of Public Works. State agencies include: Board of Equalization; Department of Industrial Relations; Department of Employment; Board of Medical Examiners; Department of Professional Standards; Department of Public Works; Board of Equalization.

During the fiscal year 2,290 District Attorney complaint citations were issued. This figure represents an increase of 751 hearings over fiscal year 1970-1971.

OTHER FUNCTIONS

The Municipal Court Division has voluminous communication with the general public which does not result in litigation of a criminal nature. Many persons with civil and criminal problems are referred to this office by the police department and by other public and private agencies. Every effort is made to direct the inquiring citizen to the proper agency if his case is not within the geographical or statutory jurisdiction of this office.

Needless to say there are numerous incoming telephone calls; many of the problems presented require the legal opinion of an Assistant District Attorney.

RECAPITULATION-MUNICIPAL COURT RESPONSIBILITIES

Each morning before court an Assistant District Attorney reviews all police reports of incidents occurring within the preceding 24 hours. Arrest and citation reports are separated and felony arrest reports are referred to the senior Assistant responsible for evaluation. Misdemeanor arrests and citations are reviewed for accuracy of charges and appropriate complaints in the case of arrests are prepared. Additional traffic and common drunk complaints are also prepared.

Each Assistant District Attorney takes the misdemeanor complaints to his assigned court for filing. In court the defendants are arraigned and bail is set. Thereafter pleas are entered and jury is demanded or waived and court trials set for hearing. Court trials and felony preliminary hearings are then conducted. The two Assistant District Attorneys assigned to the felony arraignment court follow a similar procedure when felony complaints have been prepared after conference and evaluation with the representative of the Police Department Inspector's Bureau.

One jury department sets trial dates for all matters referred for jury trial and another jury department hears all matters relating to the legality of the arrest, legality of the search and seizure and applicability or constitutionality of the statutory violation charged. All jury departments conduct trials.

SUPERIOR COURT DIVISION

The Superior Court Division of the District Attorney's Office has as its principal function the prosecution of all felony cases occurring in the City and County of San Francisco. It must represent the people in a Master Calendar Department and seven criminal trial departments of the Superior Court, four of which are at the City Hall. The District Attorney's Office has twenty-four attorneys whose regular assignment is to Superior Court matters.

Superior Court criminal cases first appear for arraignment in the Master Calendar Department. A plea to the charge or charges is entered by the accused. Preliminary motions are normally made in this court to: (1) set aside the information or indictment; (2) suppress evidence; (3) sever cases for trial; (4) have an accused mentally examined; and (5) consolidate cases for trial. In addition to the matters just mentioned, all cases are assigned for trial from the Master Calendar Department to the seven criminal trial courts.

During the fiscal year 1971-72 the Master Calendar Division began with 693 cases awaiting trial involving 884 defendants. As a result of the additional trial courts available for trials, plea negotiations and pleas of guilty, these figures were reduced by July, 1972, to 353 cases awaiting trial involving 443 individual defendants.

Other proceedings which also take place in the Master Calendar Court are: hearings on certifications from Municipal Court for the determination of present sanity of an accused; hearings on petitions for writs of habeas corpus and writs of

mandate; hearings on petitions for commitment of defendants as mentally disordered sex offenders; hearings on petitions to determine whether or not a defendant is addicted to the use of narcotics; and hearings on motions to revoke or modify probation. All members of the District Attorney's staff in the Superior Court Division participate in these functions.

Three Assistant District Attorneys are regularly assigned to the Master Calendar Department. Their duties embrace the evaluation of cases by review of the entire file; the negotiation of guilty-plea dispositions; preparation and presentation of the various pre-trial motions; trial assignments to the seven trial courts; and assignments regarding motions and the other proceedings described above.

In addition to the preparation and trial of jury cases, the attorneys of the Superior Court Division evaluate, prepare written briefs and memoranda in support of, and present the People's position in these above mentioned proceedings. With the increasing complexity of the criminal law produced by new legislation and court decisions, more research and preparation are required of trial attorneys.

During the fiscal year July 1, 1971 to June 30, 1972, there were 2,475 case filings in the Superior Court Division consisting of informations filed by the District Attorney and indictments returned by the Grand Jury. This amounts to approximately 48 cases filed per week. There were 3,103 individual defendants charged. The disparity occurring between the number of cases filed and the number of defendants actually charged is explained by the fact that many case filings include more than one defendant.

Of the cases reaching final disposition 2,779 defendants entered pleas of guilty. There were 263 jury trials resulting in 163 verdicts of conviction; 49 verdicts of acquittal; and 46 jury disagreements. Jury disagreements nearly always result in conviction on retrial of the case or by pleas of guilty. Thus, convictions occurred in 81% by jury verdicts of guilty or pleas of guilty before retrial, while acquittals occurred in 19% of the trials.

For the first half of the year 1972 the statistics of the Superior Court Division show the following:

On January 1st there were 563 felony cases awaiting trial involving 728 individual defendants. By the end of June the number of cases had been reduced to 353 with only 443 individual defendants.

The filings of new cases averaged 200 a month. The six months break down as follows:

January	192 cases	229 defendants
February	177 "	214 "
March	213 "	255 "
April	214 "	262 "
May	193 "	255 "
June	201 "	234 "

Totals	1190 cases	1449 defendants
--------	------------	-----------------

During this six month period 1,400 separate cases were disposed of: 137 by felony jury trials, 1,380 individual guilty pleas (some cases involving more than one defendant) and by other dispositions short of trial. There were 92 guilty verdicts, 23 acquittals and 22 disagreements. Most of the latter resulted in subsequent conviction by guilty plea or retrial.

OBSCENITY PROSECUTIONS

During the past fiscal year the most serious problem of obscenity in San Francisco were attempts to establish the performance of sexual conduct as entertainment in bars and theaters. However, these attempts were met by successful prosecutions prosecuted by this office under the Red Light Abatement Act. In conjunction with these abatement actions, investigations by the police department resulted in numerous arrests and prosecutions by this office which in turn suppressed this activity in San Francisco.

At the same time four theater operators were brought to trial for the exhibition of obscene motion pictures. One trial resulted in a hung jury in favor of conviction, and in the other trials the defendants were acquitted. The outcome of these trials reflects the attempts of the exhibitors to show full length motion pictures containing sexual conduct plus a story line to add alleged social importance to the films. Also a bookstore proprietor was brought to trial resulting in a hung jury in favor of conviction. During the year six appeals from the lower courts were successfully defended by this office, including a suit brought in the Ninth Circuit Court of Appeal. Furthermore, many obscenity cases were concluded without trial by way of guilty pleas.

The District Attorney's office is continuing its prosecution of obscene material and exhibitions in theaters, bars and bookstores, including prosecution of distributors and producers. At this time there are approximately 70 bookstore and theater cases pending trial or disposition by plea in the Municipal Court.

There are seven felony cases set for trial in the Superior Court involving producers, distributors, exhibitors, as well as performers of obscene live conduct.

VICE CONTROL

Since the beginning of the 1971 fiscal year, new procedures were implemented by the District Attorney in cooperation with the San Francisco Police Department in an effort to better enforce the laws relating to pimping and prostitution. These changes dealt primarily with:

1. Training of staff;
2. Use of the Red Light Abatement Act;
3. Speedier prosecution of known and suspected pimps.

Training of Staff - A detailed procedure was established to minimize recidivism among prostitutes and to verify the vital statistical information of those arrested. Wherever possible, attempts were made to "match up" the suspected prostitute with a known or suspected pimp. Intelligence information and source information was preserved as to each known or suspected pimp.

Police Department personnel and trial attorneys for the District Attorney received special instruction in the investigative and prosecutorial aspects of vice control respectively.

As a result, twice again as many prostitutes were convicted in fiscal year 1971 than in fiscal year 1970, and the recidivism rate was reduced to less than 3 per cent of the total convicted.

Use of the Red Light Abatement Act - Penal Code Section 11225 empowers the District Attorney to bring a civil action against the owners of real estate where the property involved has been used for purposes of prostitution. It is not necessary that the property be used exclusively for this purpose. In prior years case files were opened by the District Attorney only upon receipt of information furnished by the San Francisco Police Department.

Beginning in 1971, procedures were established to insure that case files were opened immediately upon receipt of information that prostitution activity had occurred or was occurring at a particular location. In fiscal year 1971:

(a) Fourteen (14) preliminary injunctions were in effect;

(b) One Hundred Forty-Four (144) property owners had voluntarily abated the nuisance which existed;

(c) Twenty-seven (27) warning notices had not been acted upon;

(d) One Hundred Thirteen (113) investigations were pending.

Speedy prosecution of known and suspected pimps - In cooperation with the Bureau of Special Services of the San Francisco Police Department all cases involving suspected and known pimps were channeled through the office of an individual Assistant District Attorney rather than on the rotation assignment basis previously employed. This procedure insured that trial assignments by the courts would result in a speedy disposition of pimping cases. In fiscal 1971, forty-five (45) known or suspected pimps were convicted in the Superior Court, sixteen (16) of which were sentenced to the State Penitentiary. The balance of cases resulted in grants of probation with varying periods of county jail incarceration as a condition of probation. One case ended in acquittal after jury trial, and two others were dismissed because the prostitute-witness had fled from California. At the time of this writing, there are ten (10) cases awaiting Superior Court trial, five (5) awaiting preliminary hearing, and twenty (20) in the pre-warrant investigation stage. This contrasts with the previous fiscal year where there were approximately ten (10) arrests for this activity, two (2) of which resulted in conviction.

BUSINESS INVESTIGATION SECTION

During the past fiscal year this section investigated and prosecuted the following types of offenses: Embezzlements, Thefts by False Pretenses, Corporation Security Violations, Forgeries, State Income Tax Violations, and other related criminal activities.

Investigations are initiated by complaints from citizens and from Federal, State and City and County agencies. The first step in investigation is an interview with the complainant or with an investigator from a governmental agency. This is followed by securing of further evidence, if needed, and interviews with all persons who may be witnesses. A warrant is issued if it is determined there are sufficient grounds for a criminal charge.

In some cases, however, a hearing is held at the Office of the District Attorney, at which time all interested parties are invited to appear.

If no further investigation is required, a warrant may issue or the matter may be dismissed, depending upon the intricacies of the case.

Following arrest for a felony, the defendant is held to answer for trial either through a preliminary hearing or by indictment.

Below are the resumes of some of the more important cases of the past year:

People vs. Allen

This case involved a bookkeeper who stole approximately \$100,000 by forging endorsements on checks payable to his employer and then deposited them to his own bank account. After a plea of guilty the defendant was sentenced to State Prison.

People vs. Curran
People vs. Harrell

These two cases involved individuals who failed to file or pay their State Income Taxes. Each pled guilty and after paying the back taxes plus penalties of almost 50% plus interest, they were placed on probation.

People vs. Sanchez

The defendant in this case falsely represented himself to be a graduate of the University of California at Santa Barbara, and to substantiate this crime gave a fictitious diploma to his employer. After a jury trial the defendant was found guilty and as a condition of probation ordered to serve six months in the County Jail.

In addition to criminal prosecution this Section has continued to obtain injunctive relief in cases involving false advertisements and unlawful business practices. During the past year approximately 450 cases were received which was a substantial increase over the past years. Investigation of these matters involve the same procedure as followed in the criminal matters, at the conclusion of which civil injunctive proceedings may be instituted. These injunctive actions are initiated by the filing of a civil complaint and the obtaining of a temporary restraining order, followed by a preliminary injunction, and ultimately a permanent injunction. These proceedings may take from a few weeks to many years before they are completed. They result not only in stopping illegal practices but obtaining up to \$2,500 fine for each violation. At the present time the District Attorney's Office has five such actions, in which preliminary

injunctions were obtained, awaiting trial. In addition, two cases were disposed of both resulting in permanent injunctions. \$2,040 in penalties was collected in one and in the other \$3,828.25 which had been ordered held in trust, is to be returned to the victims, and any excess will be turned over to the City and County of San Francisco.

This Section has also continued to secure more effective protection for the consumer by participation in various governmental committees whose purpose is not only combating fraudulent business practices, but also instituting educational programs for the consumer.

GRAND JURY

One important function of the District Attorney is to act as legal advisor to the Grand Jury in all criminal matters. He is responsible for the presentation of evidence in felony cases where an indictment is sought. Witnesses are called and cases are presented each Monday evening. When indictments are voted they are formally presented to the Presiding Judge of the Superior Court on the following Thursday morning.

During the fiscal year 341 witnesses were called to testify before the Grand Jury. A total of 79 indictments were returned involving 114 defendants, with a total of 272 charges.

A review of the Calendar year 1971, indicates the following:
(As of July 21, 1972)

Total No. of Indictments Filed in 1971	88
Total No. of Defendants Indicted in 1971	139
No. of Defendants with Final Disposition	132
Guilty	122
Not Guilty	3
Dismissed by District Attorney	6
Dismissed by Judge - 995 PC	1
No. of Defendants Pending Trial	4
Fugitives	3

From the above figures it is apparent that of the 132 defendants whose cases were finally disposed of, 92.5% were convicted.

BUREAU OF INVESTIGATION

This bureau of ten, headed by the Chief Investigator, has one Psychiatric Investigator, five investigators assigned to the Criminal Division, and four in the division handling Aid to Families with Dependent Children.

Psychiatric Division

The primary functions of the Psychiatric Division are as follows:

(1) To represent the City and County of San Francisco as designated in Section 5114 of the Welfare and Institutions Code.

(2) Investigation of alleged mentally disordered and intemperate persons, as well as those addicted to narcotics and habit forming drugs; when appropriate taking action under the Penal or Welfare and Institutions Codes.

(3) To interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, alcoholism, and drug addiction.

Section 5114 of the California Welfare and Institutions Code specifically assigns the responsibility of presenting the People's case at any judicial proceeding under the code to the District Attorney. A member of the legal staff has been assigned to these duties which include Jury Trials demanded by alleged mentally ill. Two of these trials were demanded during the past fiscal year, the first required two days and resulted in a verdict of not mentally ill, the second was dismissed on motion of the District Attorney.

Court appearance by the District Attorney at Writs of Habeas Corpus hearings demanded by the alleged mentally ill is also mandatory under Section 5114. During the fiscal year 1971-1972, twelve hearings were held on Writs of Habeas Corpus, one was granted, eleven denied.

Complaints concerning mental illness or deficiency, alcoholism and drug and narcotic addiction are investigated by a psychologist employed by this office and regularly assigned to all such cases. Whenever advisable, a member of the legal staff is also assigned. Where reasonable and probable cause exists and where no relatives or other interested parties are located or willing to assume responsibility, this office takes appropriate action under either the Penal or Welfare and Institutions Code.

During the fiscal year ending June 30, 1972, the Psychopathic Division was directly concerned with 232 investigations.

Mental Illness	164
Narcotics & Drugs	41
Intemperance	<u>27</u>
	232

In addition, the Psychopathic Division conducted numerous investigations during the fiscal year which resulted in the locating of relatives or other interested persons who were willing and able to assume responsibility for the patient and arrange private hospitalization or psychiatric care without the necessity of court proceedings. Many other complaints were found, upon investigation, to be without merit, and legal action was unnecessary.

Criminal Division - Investigators

The Criminal Investigators assist the legal staff in preparation of cases for court by securing evidence, interviewing witnesses, obtaining offense reports and criminal records of the accused, and serving subpoenas for the attendance of witnesses for trials in the Superior and Municipal Courts. One Criminal Investigator is assigned to the Business Investigation Section to assist the Assistant District Attorney in conducting investigations.

Other duties are the service of all Uniform Reciprocal Support Orders and the conducting of various inquiries requested by the legal staff.

Section 4352.01 of the California Penal Code provides for the granting of Certificates of Rehabilitation and Pardon by the Governor. An investigation of each applicant is conducted by the District Attorney to determine eligibility. Such investigative reports, in affidavit form, are subsequently presented to the Superior Court for its determination.

Following is a brief summary of the major activities of the Criminal Division of the Bureau of Investigation for the fiscal year 1971 - 1972:

Reports and criminal records obtained	8,074
Subpoenas served	158
Interviews held	72
Reciprocal Support Orders served	363
Certificates of Rehabilitation processed	18
Direct Assistance in preparation of criminal cases for trial	45
Investigation of applicants as bail solicitors or bail bondsman and other bail matters	829
Inquiries into demands made pursuant to Section 1381 Penal Code	184

Aid to Families with Dependent Children Division

Since the enactment of Section 1552.4 (now Section 11475) of the Welfare and Institutions Code in 1951, the Department of Social Services and the Youth Guidance Center have referred 47,278 new cases to the District Attorney for investigation.

This office does not determine the eligibility of applicants for aid; such determination is made exclusively by the Department of Social Services. The principal functions of the AFDC investigators are:

1. Finding the absent parents to enforce legal support obligations.
2. Instituting proper criminal action against those who have fraudulently received aid.

During the fiscal year 1971 - 1972

2,092	New AFDC cases referred.
263	Inactive cases reopened.
2,645	Active cases held over from last year.
5,000	Total active case load.
2,347	Cases closed
2,653	Active cases as of July 1, 1972.

Approximately 4,889 interviews were held regarding the above cases.

The following were the reasons for closing 2,347 cases:

The impossibility of establishing paternity.

Uniform Reciprocal Support Action by this office, whereby an order was obtained for support from a responsible parent residing outside of California.

Convictions under Section 270 of the Penal Code, resulting in sentences of probation or incarceration.

The complainant left this jurisdiction.

The defendant was located by this office and a support agreement reached for payment either to the recipient or the Department of Social Services.

The Adult Probation Department took over supervision of the absent parent on voluntary probation Section 580(d) of the Welfare and Institutions Code or per Section 4702 of the Civil Code. 213 cases were referred under these two sections.

It is estimated that the AFDC investigators effected savings to the taxpayers in the amount of \$377,428.

Paternity

The increase in illegitimacy is a contributing factor to the increase of welfare disbursements. Establishing paternity of these children is difficult, but AFDC investigators endeavor to have the natural fathers voluntarily acknowledge paternity through written statements, and then arrange support payments commensurate with the individuals' income. During this fiscal year, 169 such statements were obtained by the AFDC investigators. 43 additional cases were referred for review for possible civil paternity action.

Investigations for Other Jurisdictions

Another duty of the AFDC investigators is locating and interviewing absent parents, verifying wages, securing voluntary paternity acknowledgments and other data for other jurisdictions. Approximately 332 such requests were received and processed during this year.

Welfare Fraud

Fraud is the general term applied to those cases in which there are reasonable grounds to believe that a welfare recipient has received aid as the result of wilfully and knowingly making false statements or failing to disclose a material fact in order to obtain such aid.

Such cases are either initially detected and investigated by the AFDC investigators of this office or are referred to this office for additional investigation and analysis by the Department of Social Services. Depending on the circumstances under which the fraud was perpetrated, criminal charges have been filed for violations of Welfare and Institutions Code Sections 11380 and 11483 (Misrepresentation), Welfare and Institutions Code Section 11054 (Perjury), Welfare and Institutions Code Section 11480 (Misuse of Funds), and Penal Code Section 118 (Perjury).

As a result of the efforts of this office to bring these particular matters before the courts, the total number of warrants issued, arrests made, convictions secured and restitution obtained for fiscal year 1971 - 1972 is indicated by the following statistics:

<u>Case load pending from last fiscal year</u>	
Cases pending further investigation	46
Arrests - pending court disposition	4
Unserved warrants	66
<u>1971 - 1972 Activity</u>	
Suspected fraud cases newly referred	139
No criminal charges filed by the District Attorney due to insufficient evidence, statutes, or where civil money judgment had been entered in favor of San Francisco County	44
Restitution in the amount of \$1,019.50 obtained as a result of citation hearings (no criminal action taken)	16
Warrants issued	142
Arrests	104

Convictions	69
Restitution ordered by court \$81,266.00	
Cases pending further investigation	12
Arrests - pending in court	10
Unserved warrants	64

Three defendants were indicted by the Grand Jury. The Superior Court found them guilty of violation of Section 182 of the Penal Code (Conspiracy), Welfare and Institutions Code Section 11054 (Perjury), and Welfare and Institutions Code Section 11483 (Misrepresentation). Two were given State Prison sentences; the third defendant was given State Prison, suspended, on condition he spend one year in the San Francisco County Jail.

BUREAU OF FAMILY RELATIONS

This bureau investigates all complaints of a purported criminal nature arising within a family or quasi-family situation.

Four staff members investigate these complaints, which include: failure to provide for minor children; failure to provide for indigent wives; battery; assault; wife beating; disturbing the peace; threats to do bodily harm; malicious mischief; mental illness; alcoholism; establishment of paternity upon the complaints of unwed mothers; denial of visiting rights to a parent where custody of child or children is under court order; various other types of domestic difficulties. Cases of mental illness or alcoholism are referred for investigation to San Francisco General Hospital, Psychopathic Division.

All alternative actions to solution of these domestic difficulties are examined prior to the issuance of any warrant. District Attorney Complaint notices are issued and hearings held to determine whether the alleged crime has been committed. The limits of the law are defined to both the complainant and respondent. The necessity for issuance of a criminal warrant is eliminated in most cases to the satisfaction of all concerned, thus settling the dispute, saving court costs and not adding to crowded court calendars. Referrals may be made to the many community agencies offering counseling service to those needing particular service.

During the previous fiscal years, drinking and complaints

of mental illness were given a classification as such. This year, when there was no infraction of the California Penal Code, proper referrals were given to agencies where the complainant could seek help for such problems. These complaints as a whole were listed under Domestic Difficulties. There were, however, 343 complaints of drinking involving purported criminal activity and 104 complaints of possible mental illness involving purported criminal activity.

This bureau invokes Section 270 of the California Penal Code (failure to provide for minor children, both legitimate and illegitimate). Every effort is made to secure voluntary support. Although 1,039 complaints of non-support were made, only 19 warrants for arrest were issued. There were 29 voluntary referrals made to the Adult Probation Department under Section 580 (d) of the California Welfare and Institutions Code. The members of the staff were, in most cases, able to secure the cooperation of the fathers as a result of citation hearings.

A great deal of time and effort was exerted in searching for defendants who did not reside in this jurisdiction or in California, through the many sources available to this office.

There is a voluminous correspondence with the following agencies; California Bureau of Criminal Identification and Investigation; California Department of Employment; Armed Forces of the United States; unions; employers; District Attorneys in other jurisdictions.

Effective as of 1972, the Bureau of Family Relations

now makes direct referrals to the Uniform Reciprocal Enforcement of Support Division in the District Attorney's Office. Approximately 16 referrals were made for URESA processing. Previously non-welfare mothers were referred for this civil remedy to an attorney of their choice, which in many cases, was costly and time consuming.

During the year, 1,867 complaint notices were mailed; 1,494 hearings were held; and 1,900 referrals were made. Approximately 12,000 telephone inquiries regarding case status, specific complaints, and general information were handled by this bureau.

Included under miscellaneous were approximately 19 referrals from the Department of Social Services that were processed for Medical Need Only Therapeutic Abortions.

Although not listed in a classification per se, there has been a noticeable increase of complaints on the use of narcotics within a family or quasi-family situation. Referrals are made to agencies offering assistance with the problem of drug abuse. In many instances complaints are brought directly to the Narcotics Detail when information given to an investigator may be of significant interest to the Narcotics Bureau.

The Bureau of Family Relations processed the following complaints during the fiscal year:

<u>CLASSIFICATION</u>	<u>CASES</u>
653 (m) (Annoying Telephone Communications)	305
270 Penal Code (Non-Support of Minor Children)	1,039
270 (a) Penal Code (Non-Support of Indigent Wife)	27

<u>CLASSIFICATION</u>	<u>CASES</u>
242 Penal Code (Battery)	1,755
415 Penal Code (Disturbing the Peace)	1,212
594 Penal Code (Malicious Mischief)	265
279 Penal Code (Denial of Visiting Rights)	108
273 (d) Penal Code (Felony Wife Beating)	8
Mental Illness	154
Unwed mothers (establishment of paternity)	100
Drinking	343
Domestic Difficulties	1,072
Threats	722
Miscellaneous	<u>811</u>
TOTAL:	7,921

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION

ANNUAL REPORT

JULY 1, 1971, through JUNE 30, 1972

This division, as its primary function, conducts civil actions under the Uniform Reciprocal Enforcement of Support Act to secure support for local children from fathers who live in another state or county, and to secure child support payments from residents of San Francisco whose dependents reside in other jurisdictions. The division also initiates and prosecutes civil paternity actions against the alleged fathers of San Francisco children dependent upon welfare, when paternity has been denied. In addition, the division conducts civil contempt proceedings under Section 4702 of the Civil Code against persons who, by provision in divorce decrees, are under a court order to pay child support through the San Francisco Adult Probation Department and have failed to do so. Finally, the division secures civil judgments against insurance companies as to bail bonds which were issued by the companies to guarantee the appearance in court of criminal defendants and subsequently were declared forfeited by the Superior Court when the defendants failed to appear.

As regards the reciprocal support function, the activities of the fiscal year are summarized as follows:

CASES INITIATED FOR LOCAL CHILDREN	58
AVERAGE NUMBER OF SUCH CASES PER MONTH	4.83
CASES INITIATED FOR CHILDREN OF OTHER JURISDICTIONS	231
AVERAGE NUMBER OF SUCH CASES PER MONTH	23.42

TOTAL RECIPROCAL SUPPORT CASES PROCESSED	339
AVERAGE OF NEW RECIPROCAL SUPPORT CASES PER MONTH	28.25
CONTEMPT CITATIONS INITIATED FOR PAYMENT DELINQUENCIES	69
CHANGES OF VENUE FROM SAN FRANCISCO TO OTHER JURISDICTIONS	32
CHANGES OF VENUE TO SAN FRANCISCO FROM OTHER JURISDICTIONS	7
TRANSFERS OF SUPPORT ORDERS FROM OTHER JURISDICTIONS	4

In a substantial number of the reciprocal support cases which are initiated the defendant either moves out of San Francisco or proves to have so little income that the court will not issue a support order. Despite these factors, many support orders were secured. The results in that regard can be summarized as follows:

SUPPORT ORDERS ENTERED	118
SUPPORT ORDERS MODIFIED	3
INTERIM ORDERS RE CONTEMPT	88
WAGE ASSIGNMENTS ENTERED	<u>34</u>
TOTAL ORDERS SECURED FOR OTHER JURISDICTIONS	<u>243</u>
SUPPORT ORDERS OBTAINED BY OTHER JURISDICTIONS	<u>34</u>

One hundred and ninety-two potential civil paternity cases were referred to the division and were reviewed and evaluated during the past fiscal year. Seventy civil paternity cases were initiated by the division, and work was continued on sixteen civil paternity cases which had been initiated in previous fiscal years. The status of these cases as of June 30, 1972,

can be summarized as follows:

PATERNITY JUDGMENT AND SUPPORT ORDER SECURED . . .	12
DEFENDANT ACKNOWLEDGED PATERNITY AND AGREED TO PAY CHILD SUPPORT	2
PATERNITY JUDGMENT SECURED: SUPPORT ORDER PENDING	2
CHILD BEING ADOPTED BY MOTHER'S NEW HUSBAND . . .	2
PLEADINGS NOT YET SIGNED BY THE MOTHER	15
SERVICE OF SUMMONS IN PROGRESS	12
DISCOVERY PROCEEDINGS IN PROGRESS	13
DEFENDANT SERVED: ANSWER NOT YET RECEIVED	7
DEFENDANT UNAVAILABLE FOR PROSECUTION	8
MOTHER REFUSED TO COOPERATE FURTHER IN THE CASE . .	5
MOTHER AND CHILD MOVED OUT OF SAN FRANCISCO	3
DEFENDANT PROVED TO BE TOTALLY INDIGENT	3
MOTHER'S CLAIM PROVED TO BE UNFOUNDED	1
DEFAULT JUDGMENT HEARING PENDING	1
TOTAL	<u>86</u>

The statistics regarding cases referred to this division by the Adult Probation Department under Section 4702 of the Civil Code are as follows:

NUMBER OF NEW CASES REFERRED	68
INTERIM ORDERS ENTERED, INCLUDING THOSE PERTAINING TO CASES PREVIOUSLY REFERRED	76
WAGE ASSIGNMENTS ENTERED	35
SUPPORT ORDER MODIFICATIONS ISSUED	10

The division also processed motions on behalf of the Adult Probation Department to have the court suspend its previous order directing the Department to receive and disburse child

support payments in ninety-five cases.

The Superior Court issued collection orders as to seventy-six bail bonds which had previously been declared forfeited.

The division dealt with these collection orders as follows:

SUMMARY JUDGMENTS SECURED	69
PAID BEFORE SUMMARY JUDGMENT	5
SUMMARY JUDGMENT PENDING ON JUNE 30, 1972 . . .	1
ON APPEAL	<u>1</u>
TOTAL	<u><u>76</u></u>

Three summary judgments were set aside on motions presented to the court. Fifty-one judgments totalling \$78,565.00 were collected during the year. Collections ordered prior to July 1, 1972, which remained uncollected on that date could be summarized as follows:

COLLECTION PRESENTLY PRECLUDED BECAUSE THE COLLECTION ORDER HAS BEEN APPEALED	\$101,625
COLLECTION PRESENTLY PRECLUDED BECAUSE THE BONDING COMPANY IS IN LIQUIDATION	50,575
COLLECTIONS IN PROCESS AT END OF FISCAL YEAR .	<u>16,250</u>
TOTAL UNCOLLECTED	<u><u>\$168,450</u></u>

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

